

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400

**W-21a**

Filed:	July 16, 1999
49 <sup>th</sup> Day	September 3, 1999
Staff:	PTI/CK - SF
Staff Report:	November 29, 2001
Hearing Date:	December 12, 2001

**APPEAL STAFF REPORT  
DE NOVO REVIEW**

<b>APPEAL NO.:</b>	<b>A-1-HMB-99-051</b>
<b>APPLICANTS:</b>	<b>Wavecrest Village, L.L.C. Cabrillo Unified School District Boys and Girls Club of the Coastside</b>
<b>AGENT:</b>	<b>Patrick Fitzgerald</b>
<b>LOCAL GOVERNMENT:</b>	<b>City of Half Moon Bay</b>
<b>SUBSTANTIAL ISSUE:</b>	The Commission found that the appeal of the local government action on this project raised a substantial issue on November 5, 1999.
<b>PROJECT LOCATION:</b>	Approximately one mile south of downtown Half Moon Bay, bounded by Highway One to the east, Seymour Street right-of-way to the north, the Pacific Ocean to the west, and Marinero Avenue to the south, Half Moon Bay, San Mateo County ( <b>Exhibits 1-3</b> ).
<b>PROJECT DESCRIPTION:</b>	Re-subdivision of approximately 217 parcels on 205.7 acres into approximately 235 parcels; construction of 225 single-family market-rate residences (development reconfigured to avoid wetlands, total units unchanged); 54 affordable housing residences (increased from 46); Middle School, Boys and Girls Club (moved north of Wavecrest Road) and outdoor recreation on 25.3 acres; community sports fields on 9.8 acres; 150,000 sq.ft. of office space (increased by 30,000 sq.ft.) and 15,000 sq.ft. of retail space (decreased by 25,000 sq.ft.) in 8 commercial and retail buildings on 12 acres; open space; stormwater detention basin on 7.7 acres; wetland restoration; onsite lateral public access trails and parking;

vertical beach access stairway at Poplar State Beach; improvement and creation of streets; and associated parking, infrastructure improvements and landscaping; removal of cypress and eucalyptus trees northS of Wavecrest Road on propsoed School and mixed use site; demolition of two reinforced concrete storage sheds at Middle School site.

**APPELLANTS:**

Leonard Beuth, et al; Helen J. Carey; Wayward Lot Investment Co. and San Mateo Land Exchange; and Commissioners Sara Wan and Shirley Dettloff.

**SUBSTANTIVE FILE:**

See Appendix A

## **TABLE OF CONTENTS**

<b>1.0 EXECUTIVE SUMMARY.....</b>	<b>3</b>
<b>2.0 STAFF RECOMMENDATION .....</b>	<b>9</b>
2.1 STANDARD CONDITIONS .....	10
2.2 SPECIAL CONDITIONS.....	10
<b>3.0 PROJECT SETTING AND DESCRIPTION.....</b>	<b>30</b>
3.1 STANDARD OF REVIEW .....	30
3.2 BACKGROUND.....	31
<i>Appeal</i> .....	31
3.3 PROJECT LOCATION .....	32
<i>Projects in the Wavecrest Planned Development District.....</i>	<i>34</i>
<i>SOUTH WAVECREST REDEVELOPMENT AREA, 1994.....</i>	<i>34</i>
<i>NORTH WAVECREST REDEVELOPMENT PLAN, JULY 1995 .....</i>	<i>34</i>
<i>WAVECREST VILLAGE SPECIFIC PLAN, 1996.....</i>	<i>35</i>
3.4 PROJECT DESCRIPTION.....	36
3.5 COMPONENTS NOT CONSIDERED UNDER THIS CDP AND STANDARD OF REVIEW .....	37
<b>4.0 FINDINGS AND DECLARATIONS .....</b>	<b>38</b>
4.1 WETLAND FILL FOR RESTORATION PURPOSES .....	38
4.1.1 <i>Issue Summary</i> .....	38
4.1.2 <i>LCP Standards</i> .....	39
4.1.3 <i>Discussion</i> .....	39
4.2 RAPTORS AND OTHER WILDLIFE.....	46
4.2.1 <i>Issue Summary</i> .....	46
4.2.2 <i>LCP Standards</i> .....	47
4.2.3 <i>Background</i> .....	48
4.2.4 <i>Conclusion</i> .....	54

4.3	WATER QUALITY .....	55
4.3.1	Issue Summary .....	55
4.3.2	LCP Standards .....	55
4.3.3	Discussion .....	56
4.3.4	Conclusion .....	59
4.4	PUBLIC ACCESS AND RECREATION .....	59
4.4.1	Issue Summary .....	59
4.4.2	LCP and Coastal Act Standards .....	60
4.4.3	Discussion .....	62
4.4.4	Conclusion .....	70
4.5	VISUAL RESOURCES .....	71
4.5.1	LCP Standards .....	71
4.5.2	Discussion .....	72
4.6	REGIONAL CUMULATIVE TRAFFIC IMPACTS .....	73
4.6.1	Regional Transportation Setting .....	73
4.6.2	Market-Rate Housing .....	75
4.6.3	Affordable Housing .....	77
4.7	FINAL ARCHITECTURAL REVIEW AND SITE AND DESIGN APPROVAL .....	78
4.8	OTHER LOCAL APPROVALS .....	80
4.8.1	WATER SERVICE CONNECTION ALLOCATIONS .....	80
4.8.2	BUILDING PERMIT ALLOCATIONS .....	81
4.9	ARCHAEOLOGICAL RESOURCES .....	82
4.10	ALLEGED VIOLATION .....	83
4.11	CALIFORNIA ENVIRONMENTAL QUALITY ACT .....	83

**STAFF NOTE:** Shortly before publication of this report, the staff received evidence of potential additional wetlands on the site in the mixed use area not shown in the wetland delineations conducted to date for the project site. This staff report recommendation has been drafted without addressing these potential additional wetlands. Prior to public hearing of this project, the staff will investigate the possible existence of additional, undelineated wetlands in the field and report the results of the investigation to the Commission.

## **1.0 EXECUTIVE SUMMARY**

### ***Revised Project Description***

This large, mixed-use project last came before the Commission for *de novo* hearing on June 14, 2001, at which time the Commission voted to continue the hearing pending further analysis of potential impacts by staff and receipt of certain additional information from the applicants.

Since the last hearing, the project has been revised by the applicants to incorporate the following salient changes:

- The Boys and Girls Club has been moved north of Wavecrest Road;
- No development is proposed in the Central Area between Redondo Beach Road and Wavecrest Road;

## A-1-HMB-99-051

### Wavecrest Village Project

- Development in the Northern Area avoids the former agricultural pond, which will be restored as a viable wetland with a buffer of 100 feet around the pond;
- The number of affordable housing units has been increased by eight units to 54, and all affordable housing units will be located in the mixed use area in Wavecrest Village;
- The applicants agree to record a deed restriction limiting the affordable housing units to low and moderate income residents in perpetuity;
- The amount of office space proposed has increased by 30,000 sq.ft. to 150,000 sq.ft. and the amount of retail space has decreased by 25,000 sq.ft. to a total of 15,000 sq.ft.;
- The number of parking spaces in the mixed use area has increased from 580 to 692;
- The applicants propose to construct public access improvements at the end of Redondo Beach Road, including a vertical access stairway to the beach;
- The applicants have provided a conceptual wetland restoration plan describing their proposal to restore wetlands in the Central Area of the project site.
- Although the dense stand of trees south of Wavecrest Road will remain intact, the applicants still propose to remove \_\_\_ cypress and eucalyptus trees located in a small stand to the north of Wavecrest Road in the mixed use area;
- The applicants propose to demolish two, old concrete storage sheds located in the fields north of Wavecrest Road at the site proposed for the school and playing fields. The exact origin of these structures is unknown; local, anecdotal evidence suggests that the structures may have been used by the military during the Second World War for storage.

The total number of market-rate units in the project remains unchanged at 225. The project continues to incorporate the same public services as before, including a new middle school for the Half Moon Bay area, with the capacity for 1,150-students, a Boys and Girls Club, and a public sports field. The applicants propose to dedicate to the City in fee all open space areas south of Wavecrest Road in the Central Area and west of the Street C in the Northern area. Furthermore, the applicants propose to provide public shoreline access improvements, including the construction of a significant segment of Half Moon Bay's Coastside Trail, public parking, a vertical beach accessway at Poplar State Beach, and a vertical beach accessway and parking at the end of Redondo Beach Road. Additional features of the proposed project include the creation of a 7.7-acre detention pond to treat stormwater runoff and agricultural drainage, and the creation and restoration of wetland habitat. The development as proposed will be set back a minimum of 1,000 feet from the bluff edge. (See **Exhibit 4**).

The project site is located on a prominent site, lying between Highway 1 and the ocean. The project site comprises a 207.5-acre portion of the 480-acre North Wavecrest Planned Development District (PDD) as defined in the City of Half Moon Bay certified Local Coastal Program Land Use Plan. Resources on the site include scattered wetlands, open vistas from Highway 1 to the sea, and visually prominent tree stands that provide habitat for raptors. Informal paths to the beach are evident on the bluffs to the west of the proposed development area, although physical access to the beach is severely constrained by high, unstable bluffs.

Staff recommends approval of the project subject to the conditions as summarized below.

***Wetland Fill for Restoration Purposes***

The applicants propose fill for restoration purposes of 1.1 acres of the agricultural drainage ditch that crosses the property.<sup>1</sup> The applicants' revised plan no longer proposes to fill the agricultural pond in the Northern Area, and instead proposes to restore the pond as a wetland as part of the detention pond drainage system.

According to Coastal Act/LUP Policy 30233(a)(7), the Commission may permit the proposed wetland fill if it is necessary for restoration purposes. Wetland fill for restoration purposes as used in Coastal Act Section 30233(a)(7) must substantially increase wetland acreage and values and must be physically necessary to achieve wetland restoration goals. With regard to the fill of the proposed drainage ditch, by redirecting runoff to wetlands within the Central Area, the proposed restoration work will provide a permanent water source to support the continued existence of these wetlands, independent of water that has been intermittently supplied from nurseries located on a neighboring property. Because providing this permanent water source to the wetlands within the Central Area requires the drainage to be rerouted to the area south of Wavecrest Road, the resulting 1.1 acres of wetland fill is physically necessary to accomplish the wetland restoration goals and objectives of the project. The drainage ditch is a narrow ditch excavated from dry land to draw runoff from irrigated agricultural fields east of Highway 1 and provides little value as wetland habitat. As the wetland restoration plan provided by the applicants notes, the habitat value of the drainage ditch is limited. By contrast, wetland functions and values of the existing degraded wetland in the Central Area will be substantially improved through the proposed wetland restoration. This new wetland will provide habitat superior to that provided by the existing drainage ditch. But for the proposed restoration, this wetland habitat would not be created on the project site.

**Special Condition 1** requires a 100 foot buffer around wetlands in the northern area of the site, submittal of final grading and drainage plans for the Northern Residential Neighborhood, and monitoring of water quality of runoff into the former agricultural pond. This condition also requires recordation of a deed restriction prohibiting development within 100 feet of the former agricultural pond. **Special Condition 2** requires the applicants to submit a Final Revised Wetland Restoration Plan for the wetlands in the Central Project Area which will give the final specifications for the wetland restoration project and establish a monitoring program. **Special Condition 2** likewise requires a deed restriction prohibiting development within 100 feet of the existing and restored wetlands in the Central Area.

In addition to the drainage ditch and the existing wetlands in the Central Area, a former agricultural pond in the northern area of the project site also meets the LCP definition of wetlands. The pond is surrounded by a high berm and impounds direct rainfall, but the existing berms prevent runoff from flowing into the pond. The pond is an artificial feature and its habitat value is limited by the berm. As originally approved by the City, this pond would have been filled for residential developments. However, in response to the Commission's concern that such development would conflict with the wetland protection policies of this LCP, the applicants have revised the project to protect and improve the wetland habitat values of the pond. Pursuant to the applicants' most recent revised project description, no development is proposed within 100 feet of the upland limit of the wetlands associated with the pond.

---

<sup>1</sup> Applicants no longer propose to fill the 1.2-acre former agricultural pond in the Northern Residential Neighborhood site, which applicants propose to restore as a viable wetland.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

In addition, the applicants propose to remove the surrounding berms and to direct runoff from the surrounding area into the pond, thereby increasing the volume of water flowing into this wetland. The applicants also propose to provide an outlet from the pond by creating a new drainage corridor just south of the northern residential neighborhood drawing into a stormwater detention pond to the west as discussed further below. The staff recommends that the Commission impose **Special Condition 1** to ensure that the proposed development adjacent to the former agricultural pond will improve wetland functions and values and will not reduce wetland acreage.

#### ***Raptors***

The project area provides nesting, foraging, perching, and roosting habitat for raptors, which are considered a unique species under the LCP. As proposed, the project no longer includes the development of a Boys and Girls Club and affordable housing units south of Wavecrest Road where prominent tree stands affords perching and roosting spots for raptors. Instead, these facilities will be located north of Wavecrest Road. As a result, the cypress and eucalyptus tree stands south of Wavecrest Road will not be disturbed. Two, smaller stands of cypress trees located north of Wavecrest Road on the site of the mixed use project and the Middle School will be removed as part of the project. For these trees, **Special Condition 4** requires the applicants to submit a Tree Removal Plan which minimizes tree removal, identifies those trees which will be removed and requires that removed trees be replaced on the site.

The staff also recommends that the Commission prohibit development within 650 feet of any active raptor nests in the Western area, until a qualified biologist has determined that fledglings had left the nest and the nest has been abandoned (**Special Condition 3**).

#### ***Water Quality***

The proposed project will result in a significant increase in impervious surfaces, thus increasing stormwater runoff from the project site. Future irrigation on the site will also increase runoff. Construction activities, vehicles, and other land uses will create the risk of sedimentation and introduction of pollutants into runoff from the site.

The applicants propose to treat urban runoff through a system of gutters and storm drains, feeding into the restored agricultural pond and a 7.7-acre detention pond in the western portion of the project. While an important component of water quality measures on the site, the detention pond must be enhanced with active maintenance and monitoring, to ensure future success at accommodating and treating urban runoff. Thus, the staff recommends that the Commission require additional water measures, such as the preparation of a grading plan, an erosion control plan, a stormwater pollution prevention plan, and a water quality monitoring plan (**Special Conditions 8 and 9**).

#### ***Public Access and Recreation***

The proposed development will increase demands on public beach access in the project vicinity. Both the Coastal Act and the Half Moon Bay Local Coastal Program require access to be provided to and along the shoreline as a condition of the development of the project site. LUP Policy 9.3.6(g), for example, requires that as a part of any new development in the Wavecrest District, vertical accessways shall be constructed down the bluff to the beach. Section 30252(6) of the Coastal Act requires that new development maintain and enhance public access to the coast by assuring that the recreational needs of new residents will not overload nearby coastal

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

recreational areas by correlating the amount of development with the provision of recreational facilities to serve the new development.

The applicants propose to construct and dedicate to the City a system of public access paths to provide vertical access from Highway 1 to and along the top of the bluff (but not down to the beach) at the northern boundary of the development. As part of the project, the applicants also propose to provide a vertical beach accessway at the end of Redondo Beach Road. Finally, the applicants propose construction of a north-south path that would serve as a link in the City's Coastside Trail.

Staff recommend **Special Condition 11**, which requires that the applicants provide a final Beach Access Plan for approval by the Commission, including alternative designs for the accessway, signage and parking at the end of Redondo Beach Road, evidence of agreement by public or private landowners that such access improvements may be constructed, and evaluation of any potential impacts to environmentally sensitive habitat areas. Staff also recommends that the Commission impose **Special Condition 12**, requiring submittal of a Public Parking Plan for the design and construction of a minimum of 225 public parking spaces on the project site and signage at the end of Wavecrest Road to meet public access and recreation requirements in this area. Staff further recommends that the Commission require a Public Access Signage Plan, including evidence of Caltrans encroachment permits, for public access signs within the Highway 1 right-of-way, and other locations. (**Special Condition 14**).

### ***Visual Resources***

The project site, which slopes downward slightly from Highway 1 to the bluffs, affords broad coastal views of significant tree stands, the sea, and the coastal horizon. Heading north on Highway 1, Pillar Point is visible across the project site. The bay after which the City of Half Moon Bay is named is visible from only a few locations, including this one, on Highway 1. Furthermore, this site is one of the few remaining undeveloped areas in the City located seaward of Highway 1. To protect views from Highway 1 to the ocean, the applicants propose to dedicate a view corridor at the intersection of Highway 1 and the Main Street extension.

The project site, which is essentially undeveloped, presents an opportunity to design approvable development in a manner that will preserve the open space character of the site and protect public views of the coast. Therefore, the staff recommends the preparation of a Scenic Corridor Plan (**Special Condition 15**) for review and approval of the Executive Director and a Landscaping Plan (**Special Condition 5**) designed to maintain the open views currently existing at the site.

### ***Traffic***

Only two regional highways connect Half Moon Bay to the larger Bay Area, and both highways already carry traffic at peak hours on weekdays and weekends in excess of their capacity. Although improvements to both highways are proposed by the City of Half Moon Bay, those improvements will be insufficient to assure satisfactory service levels in the future, given projected future growth.

The Local Coastal Programs of Half Moon Bay and San Mateo County predict substantial future residential growth in both jurisdictions, thus contributing to additional congestion on the highways. For instance, the Half Moon Bay LCP predicts that additional housing units in Half

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

Moon Bay will increase over the next twenty years by 100 percent or more (an increase of 4,495 or more units in comparison to the 3,496 units existing in 1992). According to regional predictions contained in the San Mateo County Countywide Transportation Plan Alternatives Report, even with maximum investment in the transportation system, traffic volumes on both highways are predicted to be far in excess of capacity, if residential and commercial development proceeds as projected.

Up to 2,529 vacant residential lots already exist within the City of Half Moon Bay. Creation of new residential lots through subdivisions such as this one would significantly contribute to the long-term worsening of traffic congestion and a consequent limitation on the ability of the general public to reach area beaches and the shoreline.

As proposed, the development would create 225 market-rate single-family residences, and retire approximately 206 existing legal lots in the Redondo View Subdivision, with a net increase of approximately 19 lots. Consequently, the project as proposed would not adequately offset its contribution to regional traffic congestion and would result in significant adverse cumulative impacts to public access and recreation. Therefore, the staff recommends that the Commission require the applicants to either: (1) reduce the number of new lots for market-rate residential development to the number of existing legal lots, or (2) retire the development rights for an additional number of existing legal lots in the Mid-Coast Region equal to the number of new lots over the number of existing legal lots that are to be created for the construction of market rate single-family residences (**Special Condition 17**). Each mitigation lot must be an existing legal lot or combination of contiguous lots in common ownership and must be zoned to allow development of a detached single-family residence.

### ***Housing***

Of the 279 new housing units proposed by the applicants, 54 units are proposed as affordable housing. The LCP requires that at least 20 percent of the residential units developed within the Wavecrest PUD must be affordable to persons of low and moderate income. However, the 54 affordable units proposed represent only 19.35 percent of the 279 total, just shy of the 20 percent LCP requirement. As discussed above in the section on cumulative access impacts, the staff recommends that the applicant retire the development rights for an additional number of existing legal lots equal to the number of new lots over the number of existing legal lots that are to be created for the construction of market-rate single family residences. Lots for the construction of affordable housing are excepted from this requirement. Accordingly, staff recommends that the Commission impose **Special Condition 18**, requiring the applicants to submit for review and approval of the Executive Director, prior to issuance of the permit, evidence demonstrating the total number of dwelling units to be priced at levels which are affordable to Low and Moderate Income households as defined by Zoning Code Section 18.35.015. Such evidence will ensure that only lots for affordable housing are excepted from the requirement to retire development rights. To ensure that the subject housing units remain affordable for the life of the development and conform to all other applicable housing policies in the LCP, **Special Condition 18** requires the applicants to submit evidence that they have executed and recorded an Affordable Housing Agreement with the City consistent with the provisions of the City Zoning Code. In addition, in order to ensure that the affordable housing units remain affordable in perpetuity as a condition of the CDP and to provide future owners of the property notice of the affordable housing restrictions, the applicants must execute and record a deed restriction reflecting such restrictions.



## **A-1-HMB-99-051**

### **Wavecrest Village Project**

#### ***Available Water Service Connections***

The applicants have provided evidence of a commitment by the Coastside County Water District (CCWD) to reserve 79 5/8 water service connections for Wavecrest Village (**Exhibit 19**). The applicants have at their disposal additional water connections as a result of other land owned within CCWD's jurisdiction. Upon approval of the coastal development permit, the applicants will apply to CCWD to transfer these water connections to Wavecrest Village. The applicants have, in addition, entered into agreements with other landowners in Half Moon Bay to purchase water connections upon approval of the Wavecrest project by the Commission. Together the water connections from these sources are sufficient to supply the 225 market-rate residences, which are part of the project. With regard to the other components of the project, CCWD has more than adequate priority connections for the school, the Boys & Girls Club, the affordable housing units, and the other components of the project. Staff recommends that the Commission impose **Special Condition 21**, requiring that, prior to the construction of the approved development on any parcel, the applicants provide the Executive Director with evidence that water is available to serve the approved development on that parcel.

#### ***Building Permit Allocations***

As part of the hearing of the Coastal Development Permit for this project, the Half Moon Bay City Council approved the applicants' allocation phasing plan under Measure A, the municipal growth control ordinance presently in effect, taking into consideration the public benefits that the development would bring to the City. The Development Agreement entered into between the City and Wavecrest Village, L.L.C., also provides for a phasing plan for building permit allocations on an annual basis.

In November 1999, the City's voters passed Measure D, a 1 percent annual growth limit, to replace Measure A. However, because the Commission has not certified an amendment to the LCP implementing Measure D, consistency of the proposed development with the provisions of Measure D is not within the scope of the Commission's review of the coastal development permit amendment.

## **2.0 STAFF RECOMMENDATION**

The staff recommends that the Commission approve Coastal Development Permit Application A-1-HMB-99-0-51, subject to conditions, as follows:

#### ***MOTION:***

I move that the Commission approve Coastal Development Permit No. A-1-HMB-99-051 subject to conditions pursuant to the staff recommendation.

#### ***STAFF RECOMMENDATION OF APPROVAL:***

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

#### ***RESOLUTION TO APPROVE THE PERMIT:***

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or (2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## **2.1 Standard Conditions**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## **2.2 Special Conditions**

### **Staff Note**

All previous conditions of approval imposed on the project by the City of Half Moon Bay pursuant to an authority other than the California Coastal Act remain in effect. To the extent such City of Half Moon Bay conditions conflict with the Coastal Commission's conditions for Coastal Development Permit Number A-1-HMB-99-051, the applicants will be responsible for obtaining permit amendments to resolve any such conflicts.

### **1. Wetland Protection**

- A. No development, as defined in both the Coastal Act and the Half Moon Bay Land Use Plan, including subdivision, shall occur in or within 100 feet of any existing wetlands on or adjacent to the project site except for: (1) the subdivision of the underlying property approved pursuant to A-1-HMB-99-051 and (2) development necessary for wetland or habitat protection, if approved by the Commission as an amendment to this CDP.

Such wetlands include, but are not limited to the following:

## A-1-HMB-99-051

### Wavecrest Village Project

1. The wetlands located in the Western Project Area as delineated in the June 10, 1998, North Wavecrest Village Wetland Delineation Study (WRA 1998) and as indicated as vegetative communities 10 and 40 in the May 29, 2000 Wavecrest Village Vegetation Study (WRA 2000) as depicted on **Exhibit 30** and **Exhibit 31**, Figure 4.
  2. The former agricultural pond in the Northern Residential Neighborhood indicated as vegetative community 23 in the May 29, 2000 Wavecrest Village Vegetation Study (WRA 2000) as depicted in **Exhibit 31**.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a revised plan for the Northern Residential Neighborhood demonstrating compliance with the restrictions identified in A above.
- C. The permittees or their successors shall be responsible for preserving a minimum of 1.2 acres of wetlands as defined by the City of Half Moon Bay LCP in the location of the existing wetlands within the former agricultural pond as described in A above for the life of the development authorized herein.
- D. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, final engineered grading plans and drainage plans, including all water control structures, for the Northern Residential Neighborhood showing the proposed surface water drainage into and out of the existing wetlands located within the former agricultural pond as described in A above. The plans shall be accompanied with estimates of the average and peak stormwater runoff volumes draining into and out of the pond.
- E. Water shall enter the pond by sheet flow and/or by unlined, vegetated swales only and shall not exceed the following water quality standards:

Constituents	Effluent Limits
Biochemical Oxygen Demand (BODs)	45 MG/L (7-day average)
<b>SUSPENDED SOLIDS</b>	45 MG/L (7-day average)
PH	6.5 – 8.5 (instantaneous limit)
Un-ionized Ammonia	0.025 MG/L (annual median)
Oil & Grease	20 MG/L (daily maximum)

The quality of the water entering the pond shall be monitored to meet the standards specified above in accordance with the protocols and schedule provided in the approved **Water Quality Monitoring Plan** pursuant to **Special Condition 9**. Any exceedance of the specified water quality standards shall be corrected pursuant to Subsections A and B of **Special Condition 9**.

- F. Commencing with the first year following the completion of grading and site preparation for the Northern Residential Neighborhood and continuing for no less than five years thereafter, the wetlands within the former agricultural pond shall be monitored to ensure satisfaction of the requirements specified in Subsection B above. Monitoring results shall be reported to the Executive Director in writing annually. Monitoring shall be conducted by a qualified professional acceptable to the Executive Director and shall follow the monitoring and

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

reporting procedures specified in the approved **Final Wetlands Restoration Plan** identified in Special Condition 2 below. The permittees shall be responsible for the costs incurred by the City associated with conducting all monitoring surveys and the preparation of the required monitoring reports.

- G. Within 60 day of the Executive Director's written determination that the requirements of Subsections C or E above are not met, the permittees or their successors shall submit a remediation plan proposing appropriate measures to correct the failure. Such measures may include but are not necessarily limited to drainage modifications to ensure the long-term maintenance of wetland hydrology sufficient to support the growth of plants that normally occur in water or wet ground and/or the formation of hydric soils within the 1.2-acre area of the former agricultural pond. Any remediation plan shall be the subject of an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required. The permittees or their successors shall be responsible for the full implementation of the remediation plan upon approval by either the Executive Director or the Commission, whichever is applicable.
- H. The applicant shall undertake development in accordance with the approved final plans. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- I. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting all of the above restrictions, including but not limited to the prohibition on development in or within 100 feet of the former agricultural pond as generally depicted in **Exhibit 32**. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the restricted areas. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

## **2. Wetland Restoration**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a **Final Revised Wetland Restoration Plan** for the Central Project Area. The **Final Revised Wetland Restoration Plan** shall be based on the September 2001 Wavecrest Conceptual Wetland Restoration Plan, except that it shall include all of the following:

- 1. An aerial photo overlay of the wetland delineation and the restoration area plan.
- 2. Figure 2 (Conceptual Restoration Plan) and the Vegetation Map shall be revised to include all property owned by the applicants in the Central Project Area.
- 3. Final engineered grading plans for the wetland restoration area.
- 4. Estimates of the average and peak runoff volumes proposed to be discharged to the wetland restoration area.

**A-1-HMB-99-051**

## Wavecrest Village Project

5. Final engineering and maintenance plans for all drainage and water control structures for the wetland restoration area, including a stilling basin and/or other structural BMPs sufficient to assure that the water discharged to the wetland restoration area shall not exceed the following water quality standards:

<b>Constituents</b>	<b>Effluent Limits</b>
Biochemical Oxygen Demand (BODs)	45 MG/L (7-day average)
<b>SUSPENDED SOLIDS</b>	45 MG/L (7-day average)
PH	6.5 – 8.5 (instantaneous limit)
Un-ionized Ammonia	0.025 MG/L (annual median)
Oil & Grease	20 MG/L (daily maximum)

6. Provision that the quality of the water discharged to the wetland restoration area shall be monitored in accordance with the protocols and schedule specified in the approved **Water Quality Monitoring Plan** pursuant to **Special Condition 9** including but not limited to the requirement that any exceedance of the specified water quality standards shall be corrected pursuant to Subsections A and B of **Special Condition 9**.
7. Provision that, prior to grading the wetland restoration area, the entire project site shall be mowed to minimize invasion by weedy species from the surrounding areas.
8. The final planting program shall specify all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on a base map of the restoration area. In addition to seeding, the planting plan shall provide for planting of nursery grown container stock. Provision that the upland buffer areas shall be planted with native grassland species only. Coyote brush shall not be planted in the upland buffer areas.
9. Specification of an existing, fully functioning, comparable reference wetland in the Mid Coast region, as shown in **Exhibit 36**, acceptable to the Executive Director.
10. The monitoring plan shall describe the statistical test to be used to compare the restoration site with the reference wetland including the desired magnitude of difference to be detected, the desired statistical power of the test, and the alpha level at which the test will be conducted. Using the desired statistical power and size of difference to be detected, and an estimate of the appropriate sampling variability, the necessary sample size shall be estimated for various alpha levels, including 0.05 and 0.10. The monitoring plan shall also specify an implementation and monitoring schedule consistent with the 5-year monitoring program proposed in the conceptual wetland restoration plan.
11. The **Final Revised Wetland Restoration Plan** shall also further specify the remediation measures proposed in the conceptual wetland restoration plan to be implemented in the event the success criteria are not met according to the implementation and monitoring schedule.
12. Monitoring shall be conducted by a qualified professional acceptable to the Executive Director. The applicant shall be responsible for the costs associated with conducting all monitoring surveys and the preparation of the required monitoring reports.
- B.** No development, as defined in Section 30106 of the Coastal Act and the Half Moon Bay certified LUP, shall occur within 100 feet of any existing, restored, or created wetland in

the project area south of Wavecrest Road, and specifically depicted in except for: (1) the restoration activities and subdivision of the underlying property approved pursuant to A-1-99-051; and (2) development allowed within wetland buffers pursuant to Zoning Code Section 18.38.080. if approved by the Commission as an amendment to this CDP

- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, as generally depicted in the September 2001 conceptual plan and specifically depicted in the Final Revised Wetland Restoration Plan, and within 100 feet of these wetlands, reflecting all of the above specified restrictions on development. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the restricted areas. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

### **3. Raptor Protection**

No grading or construction activities shall occur within 650 feet of nesting raptors. Where grading or construction occurs between February 1 and August 1, a qualified biologist shall survey all trees within 650 feet of each work area for nesting raptors. The surveys shall be conducted within 30 days prior to the subject grading or construction activities and shall be submitted for the review and approval of the Executive Director. If active nests are found, no grading or construction work shall occur within 650 feet of the nests until a qualified biologist has determined that all young have fledged and the nest(s) has been abandoned.

### **4. Tree Protection Plan**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall provide, for the review and approval of the Executive Director, a **Tree Protection Plan** that shall:

1. Minimize the removal of existing trees on the project site.
2. Specifically identify the location, size and species of each tree proposed to be removed on the project site.
3. Each removed tree shall be replaced by a tree of a native or other appropriate species at a ratio of 1:1 within 200 feet of the original tree. If such a proximity is infeasible, the replacement tree shall be planted within the Wavecrest Village Project area as identified under this permit except that no trees shall be planted in the scenic view corridor pursuant to **Special Condition 15**.
4. The applicants shall plant trees of varying ages and sizes.
5. The applicants shall manage the replacement trees for the life of the development. Any replacement tree that dies during establishment shall be replaced.
6. The plan shall show the locations, size, and species of all new and replacement plantings.

- B.** The permittee shall undertake development in accordance with the approved final plans. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**5. Lighting**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a **Lighting Plan** for the Mixed-Use Area, Middle School, Boys and Girls Club, and Sportsfields. The plan shall be designed to minimize the effects of night time lighting to raptors and other wildlife in the area south of Wavecrest Road and shall include, but not necessarily be limited to the following measures:
  - 1. All lighting shall be directed downward and away from Wavecrest Road.
  - 2. Lighting shall be the minimum necessary to provide for the permitted uses.
  - 3. The sportsfields and related facilities shall be lighted only when in use.
- B.** The applicant shall undertake development in accordance with the approved **Lighting Plan**. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**6. Landscaping Plan**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a **Final Landscaping Plan** for all open space and common areas on the entire project site. The landscaping plan shall be designed to maintain open views to the coast and the bluffs seaward of the developed areas, and shall maximize use of drought tolerant native species. Planting of invasive exotic species is prohibited throughout the development site.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction over the project site, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicants' entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**7. Grading Plan**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a **Final Grading Plan** that is consistent with the Erosion Control Plan, WOPP, and Wetlands Protection Plan and which specifies:

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

1. The respective quantities of cut and fill and the final design grades and locations for all building foundations, streets, public accessways, the detention pond, and drainage pipes; and
2. The phasing of all grading during construction consistent with all terms and conditions of A-1-HMB-99-051.

**B.** Grading shall be conducted in strict conformity with the approved Grading Plan. No proposed changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

## **8. Erosion Control**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall provide, for the review and approval of the Executive Director, an **Erosion Control Plan** to reduce erosion and, to the maximum extent practicable, retain sediment on-site during and after construction. The plan shall be designed to minimize the potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. The Erosion Control Plan shall incorporate the Best Management Practices (BMPs) and provide for monitoring and maintenance as specified below.

### **1. Erosion & Sediment Source Control**

- a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. Land clearing activities should only commence after the minimization and capture elements are in place.
- b. Time the clearing and grading activities to avoid the rainy season (October 15 through April 30).
- c. Minimize the area of bare soil exposed at one time (phased grading).
- d. Clear only areas essential for construction.
- e. Within five days of clearing or inactivity in construction, stabilize bare soils through either nonvegetative BMPs, such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- f. Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- g. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.



- h. Soil and/or other construction-related material stockpiled on site shall be placed a minimum of 200 feet from any wetlands or drainages. Stockpiled soils shall be covered with tarps at all times of the year.
  - i. Excess fill shall not be disposed of in the Coastal Zone unless authorized through either an amendment to this coastal development permit or a new coastal development permit.
- 2. **Runoff Control and Conveyance**
  - a. Intercept runoff above disturbed slopes and convey it to a permanent channel or stormdrains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
  - b. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
- 3. **Sediment-Capturing Devices**
  - a. Install stormdrain inlet protection that traps sediment before it enters the storm sewer system. This barrier could consist of filter fabric, straw bales, gravel, or sand bags.
  - b. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
  - c. Construction of the detention pond and constructed wetlands, as further described in **Special Conditions 2 and 9**, shall be completed during the first phase of project grading. Sediments collected in the detention pond during project construction shall be removed prior to occupancy of the residential neighborhood.
  - d. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences should be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
- 4. **Chemical Control**
  - a. Store, handle, apply, and dispose of pesticides, petroleum products, and other construction materials properly.
  - b. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.
  - c. Develop and implement spill prevention and control measures.
  - d. Provide sanitary facilities for construction workers.
  - e. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents should not be discharged into sanitary or storm sewer systems. Washout from concrete trucks should be

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

disposed of at a location not subject to runoff and more than 50 feet away from a stormdrain, open ditch or surface water.

- f. Provide adequate disposal facilities for solid waste, including excess asphalt, produced during construction.
- g. Develop and implement nutrient management measures. Properly time applications, and work fertilizers and liming materials into the soil to depths of 4 to 6 inches. Reduce the amount of nutrients applied by conducting soil tests to determine site nutrient needs.

#### **B. Erosion Control Monitoring and Maintenance.**

- 1. Throughout the construction period, the applicants shall conduct regular inspections of the condition and operational status of all structural BMPs provided in satisfaction of the approved Erosion Control Plan. The applicant shall report the results of the inspections in writing to the Executive Director prior to the start of the rainy season (no later than October 15<sup>th</sup>), after the first storm of the rainy season, and monthly thereafter until April 30<sup>th</sup> for the duration of the project construction period. Major observations to be made during inspections and reported shall include: locations of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed.
- 2. Authorized representatives of the Coastal Commission and/or the City of Half Moon Bay shall be allowed property entry as needed to conduct on-site inspections throughout the construction period.
- 3. All BMP traps/separators and/or filters shall be cleaned at minimum prior to the onset of the storm season and no later than October 15<sup>th</sup> each year.
- 4. Sediment traps/basins shall be cleaned out at any time when 50% full (by volume).
- 5. Sediment shall be removed from silt fences at any time when it reaches 1/3 the fence height.
- 6. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.
- 7. Non-routine maintenance activities that are expensive but infrequent, such as detention basin dredging, shall be performed on as needed based on the results of the monitoring inspections described above.

**C.** The applicant shall be fully responsible for advising construction personnel of the requirements of the Erosion Control Plan.

**D.** The permittee shall undertake development in accordance with the approved final erosion control plans. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### **9. Water Quality Protection**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a Water Quality Protection Plan (WQPP) for the entire project area. The WQPP shall demonstrate that the approved development shall maintain post-development peak runoff rate and average volume at levels that are similar to pre-development levels, and reduce the post-development loadings of Total Suspended Solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings. The WQPP shall ensure treatment of 100% of the stormwater runoff from the project site, up to and including the 1.2-inch, 24-hour rainfall event. The WQPP shall incorporate the Best Management Practices (BMPs) and provide for monitoring and maintenance as described below.

**1. Minimize Creation of Impervious Surfaces**

- a. Design residential streets for the minimum required pavement widths needed to comply with all zoning and applicable ordinances to support travel lanes, on-street parking, emergency, maintenance and service vehicle access, sidewalks, and vegetated open channels.
- b. Minimize the number of residential street cul-de-sacs and incorporate landscaped areas to reduce their impervious cover. The radius of cul-de-sacs should be the minimum required to accommodate emergency and vehicle turnarounds. Alternative turnarounds shall be employed where allowable.
- c. Avoid curb and gutter along driveways and streets where appropriate.
- d. Incorporate landscaping with vegetation or other permeable ground cover in setback areas between sidewalks and streets.
- e. Use alternative porous material/pavers (e.g., hybrid lots, parking groves, permeable overflow parking, crushed gravel, concrete latticework, mulch, cobbles) to the extent practicable for sidewalks, driveways, parking lots, or interior roadway surfaces.
- f. Reduce driveway lengths, and grade and construct driveways to direct runoff into adjacent landscaped areas.
- g. Direct rooftop runoff to permeable areas rather than driveways or impervious surfaces in order to facilitate infiltration and reduce the amount of stormwater leaving the site.

**2. Roads and Parking Lots**

- a. Install vegetative filter strips or catch basin inserts with other media filter devices, clarifiers, grassy swales and berms, or a combination thereof to remove or mitigating oil, grease, hydrocarbons, heavy metals and particulates from stormwater draining from all roads and parking lots.
- b. Roads and parking lots should be vacuum swept monthly at a minimum, to remove debris and contaminant residue.

**3. Landscaping**

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

- a. Native or drought tolerant adapted vegetation should be selected, in order to minimize the need for fertilizer, pesticides/herbicides, and excessive irrigation.
- b. Where irrigation is necessary, the system must be designed with efficient technology. At a minimum, all irrigation systems shall have flow sensors and master valves installed on the mainline pipe to ensure system shutdown in the case of pipe breakage. Irrigation master systems shall have an automatic irrigation controller to ensure efficient water distribution. Automatic irrigation controllers shall be easily adjustable so that site watering will be appropriate for daily site weather conditions. Automatic irrigation controllers shall have rain shutoff devices in order to prevent unnecessary operation on rainy days.

#### **4. Detention Pond**

- a. The detention pond shall be sized to treat all of the runoff from the development site generated from up to and including the 1.2-inch, 24-hour rainfall event and designed to improve water quality through removal of fine sediments, phosphorous, and nitrogen consistent with the water quality standards specified in the approved Water Quality Monitoring Plan.
- b. **PRIOR TO COMMENCEMENT OF CONSTRUCTION** of any residential unit authorized by A-1-HMB-99-051, the applicant shall construct the detention pond in accordance with the plan submitted for the review and approval of the Executive Director as part of the WQPP.
- c. The detention pond shall be maintained regularly and in perpetuity, including sediment removal and mowing to maintain the water quality treatment and habitat functions.
- d. The applicants shall provide a permanent funding source for the long-term maintenance of the detention basin.

#### **B. Water Quality Maintenance and Monitoring**

1. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director a **Water Quality Monitoring Plan (WQMP)**. The WQMP shall be designed to evaluate the effectiveness of the WQPP to protect the quality of surface and groundwater and shall provide the following:
  - a. The WQMP shall specify sampling locations appropriate to evaluate surface and groundwater quality throughout the project site, including, but not limited to the detention pond outlet, sports fields, Wetland Restoration Area required by **Special Condition 2**, and major storm drains.
  - b. The WQMP shall specify sampling protocols and permitted standards for all identified potential pollutants including, but not necessarily limited to: heavy metals, pesticides, herbicides, suspended solids, nutrients, oil, and grease.
2. The applicant shall conduct an annual inspection of the condition and operational status of all structural BMPs provided in satisfaction of the approved WQPP including the detention basin. The results of each annual inspection shall be reported

to the Executive Director in writing by no later than June 30<sup>th</sup> of each year for the following the commencement of construction. Major observations to be made during inspections and reported shall include: locations of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed. Authorized representatives of the Coastal Commission and/or the City of Half Moon Bay shall be allowed property entry as needed to conduct on-site inspections of the detention basin and other structural BMPs.

3. All BMP traps/separators and/or filters shall be cleaned prior to the onset of the storm season and no later than October 15<sup>th</sup> each year. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.
4. Non-routine maintenance activities that are expensive but infrequent, such as detention basin dredging, shall be performed on as needed based on the results of the monitoring inspections described above.
5. Beginning with the start of the first rainy season (October 15 - April 30) following commencement of development and continuing until three years following completion of all grading, landscaping and other earth disturbing work, surface water samples shall be collected from the detention pond outlet during the first significant storm event of the rainy season and each following month through April 30. Sampling shall continue thereafter in perpetuity on an annual basis during the first significant storm event of the rainy season.
6. Results of monitoring efforts shall be submitted to the Commission upon availability.
7. If an exceedance of any water quality standards specified in the WQMP occurs, the applicant shall conduct an assessment of the potential sources of the pollutant and the potential remedies. If it is determined based on this assessment that applicable water quality standards have not been met as a result of inadequate or failed BMPs, corrective actions or remedies shall be required.
8. If potential remedies or corrective action constitute development, as defined in Section 30106 of the Coastal Act, an amendment to this permit shall be required.

**C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction over the project site, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicants' entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

## **10. Vertical Access**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a complete application for an amendment to this coastal development permit for the design and construction of a public beach accessway at the end of Redondo Beach Road from the top

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

of the bluff to the beach. The application shall include but is not limited to the following components:

1. Alternative designs and locations for a stairway, ramp, or combination of stairs and ramps from the top of the coastal bluff at the end of Redondo Beach Road to the beach. One alternative considered shall be as generally depicted in **Exhibit 25**.
2. Public beach access signage at the intersection of Redondo Beach Road and Highway 1 and at the end of Redondo Beach Road to inform the public of the right to use pedestrian access to the shoreline near the end of Redondo Beach Road.
3. Evidence documenting that the County, City, and/or any private landowners agree to the construction of the access improvements on publicly-owned and privately-owned land as needed to implement the access improvement plan.
4. Demonstration that the proposed location and design of the trail, stairway and/or ramp shall avoid significant adverse impacts to the wetlands and environmentally sensitive habitat areas consistent with the requirements of the Half Moon Bay LCP.
5. An assessment of the potential impacts of the development of the accessway to traffic circulation and safety at the intersection of Redondo Beach Road and Highway 1. If the potential for impacts are identified, the plan shall include appropriate mitigation measures such as the provision of turning lanes.
6. A detailed budget and schedule for the construction of the improvements described in the plan including the costs of obtaining easements or other property interests as needed.

**B. PRIOR TO COMMENCEMENT OF CONSTRUCTION** of any residential unit authorized by A-1-HMB-99-051, the permittees shall obtain Commission approval of an amendment to A-1-HMB-99-051 authorizing the construction of a public beach accessway at the end of Redondo Beach Road from the top of the bluff to the beach as described in the **Beach Access Plan**.

**C. PRIOR TO COMMENCEMENT OF CONSTRUCTION** of any residential unit authorized by A-1-HMB-99-051, Coastal Development Permit Amendment for the required by this condition, the permittees shall either:

1. Complete the construction of the trail and stairways/ramps from the existing parking area at the end of Redondo Beach Road to the beach in accordance with the approved plan; or
2. Provide to the City of Half Moon Bay, in accordance with a letter of agreement between the Executive Director, the City and the applicants, sufficient funds to complete the construction of the trail and stairways/ramps from the existing parking area at the end of Redondo Beach Road to the beach in accordance with the approved coastal development permit amendment required by this condition.

## **11. Public Parking**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a **Public Parking Plan** for the design and construction of public parking lots at Wavecrest Road

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

near the sports fields and other areas within the project site as necessary to provide a minimum of 225 public parking spaces for the exclusive use by the public in perpetuity to serve the active recreation and open space areas within the Wavecrest Village project site. The Public Parking Plan shall include adequate signage to clearly indicate the areas available for public parking within the project site. No parking area shall be sited within 100 feet of any existing, restored or created wetlands on or adjacent to the project site.

- B. PRIOR TO COMMENCEMENT OF CONSTRUCTION** of any residential unit authorized by A-1-HMB-99-051, the permittees shall complete the construction of at least 225 public parking spaces and installation of associated signage in accordance with the approved Public Parking Plan.
- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the identified public parking areas. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

## **12. Coastside Trail and Evidence of Easement Dedication**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and as indicated in the revised project description generally attached or depicted in **Exhibit 22**, the applicants shall submit, for the review and approval of the Executive Director, written evidence that a public access easement for the Coastsides Trail has been dedicated in perpetuity to the City of Half Moon Bay. The easement shall consist of a 15-foot-wide public access easement for the Coastsides Trail, as shown in the Public Coastal Access Route and generally depicted in **Exhibit 22**, and as further described as follows:
1. The northerly Coastsides Trail segment shall be aligned to meet the accessway bridge across the County drainage channel, at the northerly boundary of the Western Area.
  2. The blufftop Coastsides Trail segment shall maintain a 100-foot setback from the edge of the top of bluff. A connecting trail link to the public bluff top leading to a vista point near the southwesterly corner of the Western Area may be permitted to be located within the 100-foot bluff edge setback area.
  3. The north-south Coastsides Trail segment between the Western Area and Redondo Beach Road shall be located outside any delineated wetland, but may be located in the outermost 20 feet of the 100-foot-wide buffer of any delineated wetland.
- B.** The recorded document shall include legal descriptions of the applicants' entire parcel(s) and the easement area. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

- C. PRIOR TO COMMENCEMENT OF CONSTRUCTION** of any residential unit authorized by A-1-HMB-99-051, the applicants shall complete construction of a 10-foot-wide, all-weather surface pathway within the Coastside Trail easement, open the trail to the public, and install public access signage as specified in **Special Condition 13** below.

### **13. Public Access Signage**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a **Public Access Signage Plan** that includes written evidence of Caltrans approval of any encroachment permit(s) required for signs proposed to be located within the Highway 1 right-of-way. The signage plan shall be designed to direct the public to the Coastside Trail and the Redondo Beach Accessway with appropriately sized signs to be installed at the following locations:
1. In or adjacent to the Highway 1 right-of-way north and south at appropriate locations to indicate the public accessways at the Main Street extension (Smith Parkway), Wavecrest Road, and Redondo Beach Road;
  2. In or adjacent to the intersection of the Main Street extension and Street C;
  3. In or adjacent to the intersection of Wavecrest Road and Street C;
  4. In or adjacent to the intersection of the Occidental Street right-of-way and Redondo Beach Road;
  5. At the parking lot at the end of Wavecrest Road;
  6. In or adjacent to the Coastside Trail bridge over the County drainage channel, north of Parcel I, at the southerly terminus of the Coastside Trail on Parcel I; and
  7. At all Coastside Trailheads.
- B. PRIOR TO COMMENCEMENT OF CONSTRUCTION** of any residential unit authorized by A-1-HMB-99-051, the applicants shall complete the installation of all public access signage indicated in the approved signage plan. The signs shall be maintained by the applicant for the life of the development authorized by A-1-HMB-99-051. No changes to the approved signage plan shall occur without a Commission amendment to this permit unless the executive director determines no amendment is legally required.

### **14. Offer to Dedicate Scenic Corridor Easement**

- A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director: (1) photo documentation of the existing views of the ocean from the intersection of Highway 1 and Main Street, consistent with the Scenic Corridor depicted in **Exhibit 33**; and (2) evidence that development to be constructed pursuant to A-1-HMB-99-051 will not interfere with or in any way block the existing views of the ocean from the Intersection of Highway 1 and Main Street, consistent with the Scenic Corridor depicted in **Exhibit 33**.
- B.** No development as defined in Section 30106 of the Coastal Act and the City of Half Moon Bay certified LCP, including landscaping, shall occur within the Scenic Corridor



identified in the May 2001 Wavecrest Village Illustrative Plan and the portion of the project site lying between the western edge of Highway 1 and the eastern extent of the Northern Residential Neighborhood (**Exhibit 33**), that will interfere with or in any way block the existing views of the ocean from the intersection of Highway 1 and Main Street that are documented pursuant to Subdivision A of this permit condition.

- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record , for the review and approval of the Executive Director, an irrevocable offer to dedicate a Scenic Corridor Easement in perpetuity over the Scenic Corridor and the portion of the project site lying between the western edge of Highway 1 and the eastern extent of the Northern Residential Neighborhood, as generally depicted in **Exhibit 33**. The recorded document shall include legal descriptions of the applicants' entire parcel(s) and the easement area. The recorded document shall also reflect that development in the easement area is restricted as set forth in Subdivision A of this permit condition. The offer shall be recorded free of prior liens and encumbrances which the executive director determines may affect the interest being conveyed. The offer shall run with the land in favor of the people of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

**15. Evidence of Open Space, Conservation, and Public Recreation Fee Title Dedications**

**A. Open Space and Conservation Fee Title Dedications**

1. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and as indicated in the revised project description generally depicted in **Exhibit 4**, the applicants shall submit, for the review and approval of the Executive Director, written evidence of the dedication of fee title to the City of Half Moon Bay in perpetuity for open space and conservation purposes of: (1) all properties within the boundaries of the North Wavecrest Village Specific Plan site that are owned by the applicants and that are located south of Wavecrest Road (i.e., the Central and Pasture Areas); and (2) the partial bluff face and blufftop in the Western and Northeastern Areas, west of the residential subdivision in the Northeastern Area, as generally depicted in **Exhibit 34**.
2. No development, as defined in section 30106 of the Coastal Act and the City of Half Moon Bay certified LCP, shall occur in any of the fee title dedication areas identified in A.1 above except for:
  - a. Development authorized pursuant to A-1-HMB-99-051, including construction and maintenance of the detention pond on the Western Area consistent with **Special Condition 9**, landscaping undertaken consistent with **Special Condition 6**, and construction of public access trails consistent with **Special Condition 12**.
  - b. Vegetation removal for fire management in accordance with a written weed abatement order from the Half Moon Bay Fire District and any coastal development permit required by the City of Half Moon Bay.
3. The recorded document shall include legal descriptions of the applicants' entire parcel(s) and the fee title dedication areas. The document shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may

affect the interest being conveyed. The recorded document shall also reflect that development in the fee title dedication areas is restricted as set forth in this permit condition.

**B. Public Recreation Fee Title Dedication**

1. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and as indicated in the revised project description generally depicted in **Exhibit 4**, the applicants shall submit, for the review and approval of the Executive Director, written evidence of the dedication of fee title to the City of Half Moon Bay in perpetuity for public recreation purposes of the City Sportsfields parcel in the Western Ballfields Area as generally depicted in **Exhibit 35**.
2. No development, as defined in section 30106 of the Coastal Act and the City of Half Moon Bay certified LCP, shall occur in the fee title dedication area identified in B.1 above except for:
  - a. Development authorized pursuant to A-1-HMB-99-051, including landscaping undertaken consistent with **Special Condition 6**, minor construction associated with the Sportsfields that is consistent with the final approved plans for A-1-HMB-99-051, and construction of public access trails consistent with **Special Condition 12**.
  - b. Vegetation removal for fire management in accordance with a written weed abatement order from the Half Moon Bay Fire District and any coastal development permit required by the City of Half Moon Bay.
  - c. Routine maintenance of the Sportsfields.
3. The recorded document shall include legal descriptions of the applicants' entire parcel(s) and the fee title dedication area. The document shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The recorded document shall also reflect that development in the fee title dedication area is restricted as set forth in this permit condition.

**16. Cumulative Public Access Impact Mitigation**

- A PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review of the Executive Director, Certificates of Compliance issued by the City of Half Moon Bay or San Mateo County demonstrating the number of legal lots the applicants own in fee in the entire project area.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and consistent with the proposed revised project description, the applicants shall submit evidence, for the review and approval of the Executive Director, that the development rights have been permanently extinguished on all existing legal lots in the Central and Pasture Areas except for lots described as Assessor's Parcel Numbers 065-086-050, 065-086-170, 065-082-030, 065-084-010, and 065-110-010 as generally depicted on **Exhibit 23**.

- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit evidence, for the review and approval of the Executive Director, that the development rights have been permanently extinguished on the number of legal lots to be created for market-rate units in excess of the number of existing legal lots the applicants have demonstrated they own pursuant to Subsection A above such that the subdivision of property for market rate residences shall not result in a net increase of legal lots. If the applicants choose to reduce the number of new lots created for market rate residential development, the number of lots required to be extinguished may be reduced proportionately on a 1:1 basis such that the subdivision of property authorized herein shall not result in a net increase of legal lots for market rate residential development within that geographical area. The development rights shall be extinguished only on lots in the Mid-Coast Region of San Mateo County, an area that is generally depicted on **Exhibit 36** and that is primarily served by the segment of Highway 1 between its intersection with Devil's Slide and the southern city limits of the City of Half Moon Bay, and/or by the segment of Highway 92 west of Highway 280. Each mitigation lot shall be an existing legal lot or combination of contiguous lots in common ownership and shall be zoned to allow development of a detached single-family residence. The legality of each mitigation lot shall be demonstrated by the issuance of a Certificate of Compliance by the City or County consistent with the applicable standards of the certified LCP and other applicable law.
- D.** For each development right extinguished in satisfaction of Subsections B and C of this permit condition, the applicants shall, prior to issuance of the coastal development permit execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an open space or scenic easement to preserve the open space and scenic values present on the property that is the source of the development right being extinguished and to prevent the significant adverse cumulative impact to public access to the coast that would result as a consequence of development of the property for residential use. Such easement shall include a legal description of the entire property that is the source of the development right being extinguished. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition. Each offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.
- E.** For each development right extinguished in satisfaction of Subsections B and C of this permit condition, the applicants shall, prior to issuance of the coastal development permit, also execute and record a deed restriction, in a form and content acceptable to the Executive Director, requiring the applicants to combine the property that is the source of the development right being extinguished with an adjacent already developed lot or with an adjacent lot that could demonstrably be developed consistent with the applicable certified local coastal program. The deed restriction shall include legal descriptions of all combined and individual lots affected by the deed restriction. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior

liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

- F.** As an alternative to the method described in Subsections D and E above, the applicants may instead, prior to issuance of the coastal development permit, purchase legal lots that satisfy the criteria in Subsection B above and, subject to the review and approval of the Executive Director, dedicate such lots in fee to a public or private land management agency approved by the Executive Director for permanent public recreational or natural resource conservation purposes.

**17. Additional Traffic Mitigation**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, as indicated in the revised project description, the applicants shall submit, for the review and approval of the Executive Director, evidence documenting the total number of dwelling units to be priced at levels that are affordable to Low and Moderate Income households as defined by Zoning Code Section 18.35.015.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record an Affordable Housing Agreement with the City of Half Moon Bay in a form and content acceptable to the Executive Director, reflecting the following affordable housing requirements and restrictions.
1. The affordable units shall be priced at levels that are affordable to Very Low and Low Income households as defined in Zoning Code Section 18.35.015.
  2. All affordable housing units constructed under this permit condition shall only be occupied by the qualified buyer or tenant, as defined by Zoning Code Sections 18.35.015.G and 18.35.015.H. Ownership units shall be owner-occupied. No sub-leasing or other transfer of tenancy of any ownership or rental unit is permitted.
  3. The affordable housing units constructed under this permit condition may be resold at any time on the open market to a qualified buyer as defined pursuant to Zoning Code Section 18.35.015.G.
- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development of the property. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the areas subject to the restriction. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**18. Caltrans Approval**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall provide, for the review and approval of the Executive Director, written

evidence of Caltrans final approval of any encroachment permit(s) required for construction proposed within the Highway 1 right-of-way.

**19. Revised Subdivision Map**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a revised subdivision tract map approved by the City of Half Moon Bay for the entire project site that includes but is not limited to all lot lines, streets, and public and private easements, and that conforms with and reflects all conditions of approval of A-1-HMB-99-051. Such revised tract map shall reflect that no physical structures may be constructed south of Wavecrest Road. Such revised vesting tentative tract map shall also reflect no more lots than the total of: (1) the number of legal lots the applicants have demonstrated they own pursuant to Subsection A of **Special Condition 16** above, plus (2) the number of legal lots over which the applicants demonstrate that development rights have been permanently extinguished pursuant to Subsections B through E of **Special Condition 16**, plus (3) the number of lots utilized for affordable housing consistent with **Special Condition 17**. The Tract Map shall be recorded consistent with the Tract Map approved by the Executive Director.

**20. Scope of Permit Approval**

This permit authorizes only the development specifically identified in the Commission's approval of A-1-HMB-99-051. All development not specifically identified in the Commission's approval, including but not limited to the subdivision of the mixed-use parcel, must obtain coastal development permits separate from this permit authorization.

**21. Proof of Water Availability**

**PRIOR TO THE CONTRUCTION OF THE APPROVED DEVELOPMENT ON ANY PARCEL**, the permittees shall submit, for the review and approval of the Executive Director, evidence that water is available to serve the approved development on that parcel.

**22. Proof of Legal Interest in Project Area**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, evidence that the applicants possess sufficient legal interest to carry out development as authorized by Coastal Development Permit A-1-HMB-99-051, including but not limited to the legal ability to develop APN 65-011-020, as conditioned herein.

**23. Final Plans, Local Approval Requirements**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, evidence that they have met the requirements for architectural review and site and design approval set forth in Zoning Code chapter 18.21 of the Half Moon Bay Municipal Code. Such evidence shall include proof of local review and approval, together with copies of all final, detailed plans for the entire project area. The final plans shall include, at minimum, (1) architectural plans, including typical plans, sections, elevations, materials and colors for all structures, (2) site plans, showing building locations and parking areas and spacing and (3) engineering plans for all streets, gutters, sidewalks and pedestrian walkways, street lighting, and other

infrastructure. All final plans shall be consistent with the conceptual plans submitted to the Commission on April 6 and May 23, 2001, as revised on June 12, 2001 and October 9, 2001, and as modified pursuant to the foregoing conditions.

## **24. Archaeological Resources**

- A. PRIOR TO THE ISSUANCE OF THE DEVELOPMENT PERMIT**, the applicants shall provide, for the review and approval of the Executive Director, a copy of a permit or a letter of permission from the State Historic Preservation Officer allowing demolition of the two, poured concrete structures and associated poured concrete support structures located immediately north of Wavecrest Road on the proposed Middle School site, as depicted in **Exhibit 37**, or in the alternative, evidence that no permit or permission is required for demolition of the structures.
- B.** If the State Historic Preservation Officer determines that the structures are historically significant or is unable to give any required authorization for demolition of the structures, then the applicants shall either protect the structures in place or submit a mitigation plan for the relocation or removal of the structures for Commission review and approval.

## **3.0 PROJECT SETTING AND DESCRIPTION**

### **3.1 Standard of Review<sup>2</sup>**

The Wavecrest Village Project is located within the City of Half Moon Bay in the California Coastal Zone. Section 30604(b) states that after certification of a local coastal program, a coastal development permit shall be issued if the issuing agency or the Commission on appeal finds that the proposed development is in conformity with the certified local coastal program. The standard of review for this project is therefore the certified Local Coastal Program (LCP) of the City. Pursuant to Section 30604(c) of the Coastal Act, the public access and recreation policies of the Coastal Act (Sections 30210 through 30224) are also the standard of review because the project is located between the first public road and the ocean.

Pursuant to Policy 1-1 of the City's certified Land Use Plan (LUP), the City has adopted the coastal planning and management policies of the Coastal Act (Sections 30210 through 30264) as the guiding policies of the LUP. Policy 1-4 of the City's LUP states that prior to issuance of any development permit, the [Commission] shall make the finding that the development meets the standards set forth in all applicable LUP policies. Thus, the LUP incorporates the Chapter 3 policies of the Coastal Act. These policies are therefore included in the standard of review for the proposed project.

The project site is located within the Planned Development District (PDD) designated in the City's LUP as the Wavecrest PDD. Section 9.3.6 of the LUP specifically addresses the development of the Wavecrest PDD, and includes Proposed Development Conditions for the development. Section 18.37.020.C of the City's Zoning Code states in relevant part:

---

<sup>2</sup> The full text of the LCP and Coastal Act referenced herein are attached as Appendix B of this report.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

*New development within Planned Development Areas shall be subject to development conditions as stated in the Local Coastal Program Land Use Plan for each Planned Development...*

Therefore, Proposed Development Conditions (a) through (r) contained in LUP Section 9.3.6 are included in the standard of review for this proposed project and are hereinafter referred to as LUP Policies 9.3.6(a) through 9.3.6(r).

Finally, the proposed Wavecrest Village Planned Unit Development/Specific Plan identifies standards which are not included within the certified LCP. Because the Specific Plan includes development standards which are different from those contained in the certified LCP, the Specific Plan can be considered an amendment to the certified LCP. Pursuant to Section 30514 of the Coastal Act, LCP amendments shall not take effect until certified by the Commission. Because the Specific Plan has not been certified by the Coastal Commission as an amendment to the LCP, it is not the standard of review for this coastal development permit application. Instead, as mandated by Sections 30604(b) and (c) of the Coastal Act, the proposed development will be assessed for its consistency with the certified LCP and the access and recreation policies of the Coastal Act.

## **3.2 Background**

### **Appeal**

On July 6, 1999, the City of Half Moon Bay approved a Specific Plan Development Agreement and associated coastal development permits (CDPs) for development of the 207.5 acre North Wavecrest Village area. The City's specific actions are listed in *Wavecrest Village Specific Plan, 1996*, below.

Pursuant to Coastal Act Section 30603, an action taken by the City on a CDP application is appealable to the Coastal Commission for developments between the sea and the first public road paralleling the sea, and for developments located within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. Leonard Beuth, et al., Helen J. Carey, Wayward Lot Investment Co. and San Mateo Land Exchange, and Commissioners Sara Wan and Shirley Dettloff appealed the City's approvals to the Commission within the Commission's appeal period. The appellants alleged that the project raised issues with the certified Local Coastal Program and the public access policies of the Coastal Act. Specifically, the appellants' contentions concerned the project's inconsistencies with LCP policies regarding protection of sensitive habitats, provision of public access, protection of visual resources, new development and the availability of public services, as well as inconsistencies with several Coastal Act policies cited in the City's LCP.

The Commission heard the appeals on November 5, 1999. (The October 20, 1999 Substantial Issue staff report is contained in the administrative record.) At that time, the Commission found that the appeals raised a substantial issue regarding the conformance with the policies of the certified Local Coastal Program and the public access policies of the Coastal Act. As a result of the appeal and finding of substantial issue, the City's approvals of the CDPs have been stayed and are not effective. The Commission must now consider the entire application *de novo* (PRC §§ 30603, 30621, and 30625, 14 CCR § 13115).

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

On June 14, 2001, the Commission began the *de novo* hearing and heard testimony from applicants and members of the public. The Commission voted to continue the hearing, directing staff to further analyze impacts to wetlands, raptor habitat and other coastal resources. The Commissioners asked applicants to provide additional information needed to allow staff to conduct its further analysis

### **3.3 Project Location**

The Wavecrest Village Project is located entirely within the City of Half Moon Bay, approximately one mile south of downtown, at the intersection of Highway 1 and Main Street (**Exhibit 3**). The 207.5-acre site is bounded by Highway 1 to the east, the Seymour Street right-of-way to the north, the Pacific Ocean to the west, and Marinero Avenue to the south. Automobile access to the site is currently from Highway 1 via Wavecrest Road.

Several parcels within the project site (five in the Central Area and one parcel along Highway 1 in the mixed use area) are presently not owned by the applicants. As discussed further below, the revised project proposal includes development of parking and office space within the parcel adjacent to Highway 1, notwithstanding the fact that the parcel is held under separate ownership. Consistent with Section 30601 of the Coastal Act, **Special Condition 22** requires that, prior to the issuance of the permit, the applicants shall show evidence of their legal ability to develop all of the property over which they propose development, consistent with all of the conditions of this permit.

The surrounding land uses include passive open space, open space reserve, planned development, exclusive floriculture, visitor-serving commercial, and single-family residential areas. Passive open space exists to the north of the project site along the bluff. The West of Railroad Avenue PDD and Arleta Park, a residential neighborhood, are located to the north. A church is located on the adjacent mostly vacant parcel at the intersection of Highway 1 and the Seymour Street right-of-way.

To the east of Highway 1 and east of the project site are commercial general development, planned development, and open space reserve. An automobile dealership is located at the intersection of Main Street and the Seymour Street right-of-way. Commercial greenhouses exist adjacent to the project area's southeastern boundary, between Wavecrest Road and Redondo Beach Road. A church, daycare center, horse riding stable, and restaurant are also located in this area.

Ocean Colony, a private residential community, is located to the south of the Wavecrest Village Plan area.

The project area's western boundary abuts the Pacific Ocean. Approximately one-third of the blufftop is in the project area. The blufftop area south of the project area consists mostly of undeveloped gently sloping coastal bluff terrace. A model airplane runway and informal trails exist in this area.

#### **Wavecrest Planned Development District (PDD)**

The 207.5-acre Wavecrest Village Project is located within the 620-acre area designated in the LCP as the Wavecrest Restoration Project Planned Development District (PDD). The Wavecrest PDD consists of two project areas: the North Wavecrest Area (about 480 acres north of the



## **A-1-HMB-99-051**

### **Wavecrest Village Project**

Ocean Colony development) and the South Wavecrest Area (approximately 140 acres south of the Ocean Colony development). The Wavecrest Village Project is in the North Wavecrest Area, occupying the northern and central portion of the PDD.

The LUP designates seventeen areas of the City as PDDs. As defined in the LUP, a “Planned Development District” refers to:

*... generally large, undeveloped parcels and areas suitable for residential use, with possible inclusion of neighborhood recreation facilities, commercial recreation, and office/industrial. The purpose of this designation is to prevent piecemeal development and to replan old subdivisions by requiring that the entire area or parcel be planned as a unit and be developed in accordance with such a plan. Use of flexible and innovative design concepts is encouraged. Refer to Section 9.3.2 for detailed requirements and permitted uses.*

Zoning Code Section 18.15.015 supports the Planned Development District designation by zoning these areas as Planned Unit Development Districts (PDD) in the City’s Implementation Plan and Zoning Map.

Section 9.3.2 explains the intent of the Planned Development District designation:

*The purpose of the Planned Development designation is to ensure well-planned development of large, undeveloped areas planned for residential use in accordance with concentration of development policies. It is the intent of this designation to allow for flexibility and innovative design of residential development, to preserve important resource values of particular sites, to ensure achievement of coastal access objectives, to eliminate poorly platted and unimproved subdivisions whose development would adversely affect coastal resources, and to encourage provision for low and moderate income housing needs when feasible. It is also the intent of the Planned Development designation to require clustering of structures to provide open space and recreation, both for residents and the public. In some cases, commercial development such as convenience stores or visitor-serving facilities may be incorporated into the design of a Planned Development in order to reduce local traffic on coastal access roads or to meet visitor needs.*

Section 9.3.6 of the LUP discusses the goals of planned development specific to the Wavecrest PDD (referred to as the Wavecrest Restoration Project) and the opportunities and constraints of the North and South Wavecrest Project Areas, and imposes 18 development conditions on the PDD. These conditions were adopted as LUP policies solely pertaining to development in the Wavecrest PDD.

The PDD designation is intended to achieve five goals: the consolidation and replatting of about 1,400 substandard lots in paper subdivisions; provision of public access to the coast; restoration and protection of riparian corridors and bluffs; establishment of a stable Urban/Rural Boundary to preserve the potential for agricultural use of vacant and idle land south of the City; and generation of funds to protect lands with agricultural potential located outside of the project area.

## **Projects in the Wavecrest Planned Development District**

### ***Wavecrest Restoration Project, 1981***

The Wavecrest Restoration Project is one of seventeen areas designated for Planned Development in the City's LUP. The California Coastal Conservancy sponsored this project, which was approved by the Conservancy, the Coastal Commission, and the City in 1981, prior to the certification of the LUP in 1985 (Brady LSA January 1999 p.35; City of Half Moon Bay 1993). The project is intended to restore a large portion of small-lot subdivisions and deteriorated natural conditions to meet Coastal Act and Coastal Conservancy objectives, and to generate revenue to acquire prime agricultural land in the City, which would otherwise be developed (Sanger 1981). Although there are references to the Conservancy Plan or to the Wavecrest Restoration Project throughout the LUP, the project as planned never materialized. The Project Plan, however, was adopted as part of the LCP.

### ***South Wavecrest Redevelopment Area, 1994***

The South Wavecrest Redevelopment Project proposed the division of the South Project Area into two lots for the construction of an 18-hole golf course on approximately 122 acres. The construction included tree removal, grading, and onsite mitigation and restoration for riparian and wetland disturbance. The project also included the extension of Miramontes Point Road, construction of a golf cart/pedestrian bridge, offers to dedicate vertical and lateral public access easements, and the reservation of a parking lot for public use by recording a deed restriction. The construction of public access improvements included a 15-car public parking lot off Miramontes Point Road, two portable toilets permanently located near the parking lot, vertical trails between the parking lot and the bluff, a lateral blufftop trail, three scenic overlooks, and a connecting stairway to the beach. The Coastal Commission approved the CDP with conditions in December, 1994.

### ***North Wavecrest Redevelopment Plan, July 1995***

In 1994, the Community Development Agency of the City of Half Moon Bay prepared a Redevelopment Plan for the Half Moon Bay North Wavecrest Redevelopment Project. The Redevelopment Plan addressed the 480-acre north project area, and proposed the development of up to 750 housing units; an 18-hole golf course and driving range; a 10-acre RV park; a 35-acre community park; an 8 to 12-acre school site; and various visitor-serving commercial uses.

The Redevelopment Plan was adopted by the City Redevelopment Agency and the City Council in July 1995, subject to voter referendum. The voters rejected the Redevelopment Plan in November 1995.

In March 1994, the Redevelopment Agency had entered into an agreement (the First Amended and Restated Agreement for Advance Funds) with the North Wavecrest major property owners. The funding agreement included an agreement that if a Redevelopment Plan was not adopted by December 31, 1995, the Agency would work with the owners to replan their property to permit its development, consistent with the LCP. The Agency would further allow the owners to use data, reports, and studies undertaken in connection with the Redevelopment Plan to process development approvals on the property. The City joined in the agreement via a Cooperation Agreement. The Redevelopment Plan was not adopted.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

#### ***Wavecrest Village Specific Plan, 1996***

In June, 1996, Concar Enterprises, Inc. and North Wavecrest Partners, L.P. submitted an application to the City of Half Moon Bay for a Specific Plan Planned Unit Development Coastal Development Permit (CDP-11-96). The 1996 Specific Plan proposed the following on 178.3 acres: 345 medium-density residential units; visitor-serving commercial uses including retail, cabins or campsites, a recreational vehicle park, and landscaped areas. The Planning Commission took no action on this Plan, but gave the applicants and City staff further direction to continue working on issues of concern. A Wavecrest Subcommittee was formed to work with the applicants, and based on its recommendations, the City requested that the proposed Specific Plan be revised to better reflect the City's objectives for the property (City of Half Moon Bay Planning Department April 1999). In response, the applicants prepared a revised Specific Plan. The July, 2000 version of the Wavecrest Village Specific Plan is a revision of the 1996 Specific Plan. The July 2000 Specific Plan includes development standards which are different than those contained in the certified LCP. This Specific Plan has not been certified by the Commission as an amendment to the City of Half Moon Bay's certified LCP and is not the standard of review for this Commission action.

A Draft EIR for the Wavecrest Village Specific Plan circulated for public review in February and March of 1999. The Final EIR with responses to comments was released in June 1999. The City Council re-certified the Final EIR on July 6, 1999.

On July 1, 1999, the Planning Commission approved the following nine CDPs, subject to the City Council's approval of the Planned Unit Development and CDP for the Wavecrest Village Specific Plan:

1. certification of a Final Environmental Impact Report and approval of a Planned Unit Development and CDP for the Wavecrest Village Specific Plan;
2. approval of a CDP and Use Permit for the North Residential Neighborhood;
3. CDP and Use Permit for the South Residential Neighborhood (Market Rate Units);
4. CDP and Use Permit for the South Residential Neighborhood (Below-Market Rate Units);
5. CDP and Use Permit for Community Open Space;
6. CDP, Use Permit, and Site Design Permit for Middle School;
7. CDP, Use Permit, and Site Design Permit for Boys and Girls Club;
8. CDP and Use Permit for Community Park and Ball Fields; Phase 1-A, 1-B, and 1-C Vesting Tentative Maps and Coastal Development Permit; and
9. Development Agreement and Development Phasing Plan for the entire Wavecrest Village Specific Plan area.

On July 6, 1999, the City Council approved the CDPs listed above and signed Resolution C-56-99, the Wavecrest Village Specific Plan Planned Unit Development Permit and Coastal Development Permit, in which the City Council ratified and adopted the findings and decisions of the Planning Commission as set forth in Resolutions P-(22-28)-99. Four parties appealed to the Coastal Commission the City's approvals of the CDPs related to this project.

### **3.4 Project Description**

**Exhibit 4** is a site plan showing the proposed project as revised by the applicants since the June 14, 2001 *de novo* hearing. For ease of identification, **Exhibit 5** labels the geographic areas of the proposed project. The revised proposed project is described as follows:

- Creation of approximately 235 parcels from the approximately 217 existing parcels in the applicants' legal interest;<sup>3</sup>
- Retirement of development rights on approximately 206 lots in an antiquated subdivision located in the Central Area;
- Construction and/or widening of public streets: the Smith Parkway/Main Street extension, Street C, and Wavecrest Road;
- Construction of private streets in the northern residential area as indicated on **Exhibit 4**;
- Construction of 54 affordable housing units on two parcels in the mixed-use area on a total of about 3 acres, with 18 of the 54 units in apartments above retail and office space;
- Construction of 190 market-rate single family homes on 190 residential lots of approximately 6600 square feet and 3,200 square feet in the northern project area on 31 acres;
- Construction of 35 market-rate single family homes on 35 residential lots in the mixed-use area on about 4 acres;
- Construction of Middle School with sports fields and 101 parking spaces on 25.3 acres;
- Reconfiguration and construction of 9.8-acre community ballfields;
- Construction of 26,850-square-foot Boys and Girls Club and 225 parking spaces adjacent to the ballfields north of Wavecrest Road;
- Dedication in fee to the City of a public access easement for the Coastside Trail;
- Dedication in fee to the City for open space, conservation and public recreation purposes of the areas south of Wavecrest Road (the Central and Pasture areas) and the blufftop in the Western Area (west of the residential subdivision in the Northeastern Area);
- Dedication of a scenic view corridor easement over the area between the residential subdivision in the Northeastern Area and the mixed use area and Middle School and ballfields site;
- Construction of 7.7-acre detention pond;
- Fill of 1.1 acres of wetland area in the agricultural drainage ditch running across the site and diversion of runoff to Central Area wetlands;
- Restoration of 2.3 acres of wetland habitat in the Central Area;

---

<sup>3</sup> The applicants' agent states that the merging of lots in the Redondo View antiquated subdivision would not affect the City's transportation access easement to the privately-owned parcels in the subdivision that are not considered part the project.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

- Installation of traffic improvements, including a four-way traffic signal at the intersection of Highway 1 and Smith Parkway/Main Street extension and turn lanes on Highway 1 and project area streets;
- Lateral extension of the Coastside Trail and other trails;
- Construction of vertical beach access at the end of Redondo Beach Road;
- Installation of utilities (storm drain, sanitary sewer, and water);
- Demolition of two, reinforced concrete storage sheds on the proposed Middle School site north of Wavecrest Road;
- Removal of two stands of trees north of Wavecrest Road on the site of the proposed Middle School and mixed use site; and
- Associated landscaping.

See **Exhibits 6 through 9** for the relevant project descriptions as submitted by the applicants.

As noted in the Executive Summary, above, the following are the key changes in the proposed project since the June 14, 2001 hearing:

- The Boys and Girls Club has been moved north of Wavecrest Road;
- No development is proposed in the Central Area between Redondo Beach Road and Wavecrest Road;
- Development in the Northern Area avoids the former agricultural pond, which will be restored as a viable wetland;
- The number of affordable housing units has been increased to 54, and all affordable housing units will be located in the mixed use area in Wavecrest Village;
- The applicants propose a deed restriction limiting the affordable housing units to low income residents in perpetuity;
- The amount of office space proposed has increased by 30,000 sq.ft. to 150,000 sq.ft. and the amount of retail space has decreased by 25,000 sq.ft. to a total of 15,000 sq.ft.;
- The number of parking spaces in the mixed use area has increased from 580 to 692;
- The applicants will construct public access improvements at the end of Redondo Beach Road, including vertical accessway to the beach;

The applicants have also provided a conceptual wetland restoration plan detailing their proposal to handle runoff and restore wetlands in the Central Area of the project site.

### **3.5 Components Not Considered Under This CDP and Standard of Review**

All development not specifically identified in the Commission's approval findings for this coastal development permit application must obtain coastal development permit(s) separate from this permit authorization.

Five parcels in the Redondo View antiquated subdivision south of Wavecrest Road are under private ownership and are not included in the proposed project.

## **4.0 FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **4.1 Wetland Fill for Restoration Purposes**

#### **4.1.1 Issue Summary**

The applicants propose to fill for restoration purposes 1.1 acres of the agricultural drainage ditch that crosses the property, which constitute wetlands (**Exhibits 10 and 11**).

Coastal Act/LUP Policy 30233(a) prohibits filling of wetlands except for specific express purposes. Coastal Act/LUP Policy 30233(a)(7) provides that one of the purposes for which wetlands may be filled is “restoration purposes.” Thus, the Commission may permit the proposed wetland fill if it is necessary for restoration purposes.

Although restoration as used in Section 30233(a)(7) is not specifically defined in the Coastal Act or the Commission’s regulations, past Commission actions provide the Commission with guidance in applying this term. In addition, the California Wetlands Conservation Policy (Executive Order W-59-93) requires that all agencies of the State conduct their activities to ensure no overall net loss and a long-term gain in the quantity, quality, and permanence of wetland acreage and values. Based on these sources, the Commission finds that wetland fill for restoration purposes as used in Coastal Act Section 30233(a)(7) should substantially increase wetland acreage and values.

In addition, the Commission has previously found that wetland fill may not be permitted as restoration under Section 30233(a)(7) unless it is physically necessary to fill wetlands to achieve these wetland restoration goals (see for example CDP1-95-40, City of Pacifica.). Any other interpretation would circumvent the resource protection requirements of this policy by allowing fill for otherwise unpermitted uses, such as residential development, as long as the project includes a proposal to reconstruct wetlands in another location. Such an interpretation would be particularly damaging to wetland resources because wetland restoration projects are notoriously unsuccessful. The National Academy of Sciences report Restoration of Aquatic Resources states, for example,

*Mitigation efforts cannot yet claim to have duplicated lost wetland functional values. It has not been shown that restored wetlands maintain regional biodiversity and recreate functional ecosystems (Zedler and Weller, 1989). There is some evidence that created wetlands can look like natural ones; there are few data to show that they behave like natural ones.*

Thus, fill and relocation of functional wetlands simply to accommodate otherwise impermissible development would be inconsistent with the goal of substantially increasing wetland acreage and values. Rather, the fill must be necessary to accomplish the wetland restoration goals and objectives of the project.

Therefore, to allow fill for restoration purposes in accordance with Coastal Act/LUP Policy 30233(a)(7), the Commission must find that: (1) the proposed fill must be physically necessary to accomplish the wetland restoration goals and objectives of the project, and (2) the restoration project will substantially increase wetland acreage and values.

#### **4.1.2 LCP Standards**

Pursuant to LUP Policy 1-1, the City adopted Coastal Act Policies 30210 through 30264 as guiding policies of the Land Use Plan. Thus, these specific policies are considered as LUP policies and are referenced as LUP/Coastal Act policies. LUP/Coastal Act Policy 30231 requires that the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes must be maintained in order to maintain optimum populations of marine organisms and to protect human health.

LUP/Coastal Act Policy 30233 limits the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes to specific purposes where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects.

LUP Policy 3-11 and Zoning Code Section 18.38.080(D) prohibit development within 100 feet of wetlands.

Appendix A of the LUP defines wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground.

Zoning Code Section 18.02.040 defines wetland to be that definition of wetland as used and as may be periodically amended by the California Department of Fish and Game, the California Coastal Commission and the U.S. Fish and Wildlife Service.

Zoning Code Section 18.8.010(J) states that the purpose and intent of the LCP's Coastal Resource Conservation Standards are to balance Coastal Act requirements for protection of fragile resources with requirements for the provision of shoreline access, acknowledging that the highest priority is given to environmentally sensitive habitat protection.

Zoning Code Section 18.38.020 defines coastal resource areas to include wetland. As defined in Appendix A of the LUP and by the U.S. Fish and Wildlife Service, a wetland is an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground.

#### **4.1.3 Discussion**

##### ***Drainage Ditch***

The applicants propose to fill 1.1 acres of the agricultural drainage ditch that crosses the property in order to redirect storm water runoff and irrigation runoff from irrigated fields inland of Highway 1 to non-delineated wetlands in the southern project area (**Exhibits 11 and 12**). Currently, the runoff to be redirected enters the site through a culvert beneath the highway, crosses the project site through an approximately 4,600-foot-long unlined drainage ditch and is discharged over the bluff through an eroded gully at the northwest corner of the Wavecrest Restoration Area (**Exhibit 12**).

The applicants propose to redirect the runoff to the Central Area south of Wavecrest Road, which contains delineated wetlands. These wetlands are located in a low-lying area that drains to the beach through a deep arroyo. These physical features indicate that the wetland conditions present in this area are due, in part at least, to the site's natural drainage patterns. In addition,

irrigation drainage from two commercial nurseries immediately to the east of the site provides a significant volume of water to this area. This artificial water source supports the continuance of wetland habitat in the southern project area.

The drainage ditch course is vegetated predominantly with plants that typically grow in water or wet ground (hydrophytes) and is wet throughout most or all of the year. The presence of wetland plants in the drainage, in conjunction with the hydrology to support the growth of these plants, qualify the drainage ditch as wetlands under the Half Moon Bay LCP. The proposed redirection of the drainage would comprise approximately 1.1 acres of wetland fill. As noted, the applicants propose to redirect the runoff from the drainage to restore wetlands in the Central project area. As discussed above, the Commission must evaluate whether the proposed fill to redirect the drainage: (1) is physically necessary to accomplish the wetland restoration goals and objectives of the project, and (2) would substantially increase wetland acreage and values.

***Fill is Physically Necessary for Wetland Restoration***

By redirecting runoff to the Central wetland area, the proposed development will provide a permanent water source to support the continued existence of the central area wetlands independent of water that has been intermittently supplied from nurseries located on a neighboring property. Without a permanent water source, the wetlands in the Central project area would be dependent on rainfall and any discharge of irrigation water from the nurseries. The nurseries that supply water to this wetland area are not located on the applicants' property and are neither owned nor operated by the applicants. Thus, the applicants currently lack the ability to control the discharge of irrigation water from the nurseries to the wetland habitat in the Central project area. Without the permanent water source that can be provided by rerouting the drainage ditch, any significant decrease in the nursery discharge to the wetlands could threaten the continued existence of the wetland acreage and values in this area. Because providing the proposed permanent water source to the wetlands requires the drainage to be rerouted to the area south of Wavecrest Road, the resulting 1.1 acres of wetland fill is physically necessary to accomplish the wetland restoration goals and objectives of the project. Therefore, the Commission finds that the proposed fill of the drainage ditch to redirect runoff to the Central wetland area and provide such wetlands with a permanent water source is fill physically necessary for restoration purposes.

***Wetland Restoration Plan Provides a Gain in Wetland Acreage and Values***

The proposed wetland fill would assure the continuance of the existing wetlands in the Central Area by providing a permanent water source that is within the applicants' control. As such, the proposal would ensure the permanence of wetland acreage and values, consistent with one of the goals of the California Wetlands Conservation Policy.

As stated above, in addition to ensuring that the proposed fill is physically necessary to achieve the restoration goals and objectives, the Commission must ensure that restoration goals and objectives are actually achieved. With regard to this latter requirement, the Commission must ensure that the diverted drainage will substantially increase wetland acreage and values.

The applicants have provided a conceptual wetland restoration plan for wetlands in the Central Area, which outlines a proposal to redirect water from the drainage ditch to the wetland area and undertake a comprehensive restoration of the wetland. The stated goal of the restoration plan is



## **A-1-HMB-99-051**

### **Wavecrest Village Project**

to create a self-sustaining seasonally flooded wetland system dominated by emergent herbaceous wetland plant species and to achieve a long-term gain in the quantity, quality and permanence of wetland acreage and values. Specifically, the plan aims to restore approximately 2.3 acres of seasonal wetlands.

The restoration plan evaluates existing wetland areas in the eastern portion of the Central Area and maps and discusses vegetation presently found on the site. According to the restoration plan, wetlands presently existing in the Central Area consist of two types: (1) a natural wetland depression over an impervious clay layer and (2) man-made wetlands caused by water from nursery-supplied irrigation, which support emergent wetland species. The study notes that sheet flow from areas east of Highway 1, which is now diverted to the drainage ditch, may historically have contributed to wetland hydrology in this area. The study also notes that, due to recently instituted water conservation measures by nursery operators which have reduced discharge, portions of the Central area which were previously dominated by obligate and facultative wet species are now dominated by facultative species.

The restoration plan proposes to provide a natural seasonal water source by redirecting runoff from the drainage ditch into drainage pipes which will carry water by gravity flow to the Central area and discharge it near the surface.<sup>4</sup> The conveyance system will be designed to accommodate normal storm flows to the wetlands. The system will be designed to incorporate a stilling basin which will capture sediment and divert excess flows during large storm events to the project's storm drains. Water flowing to the wetland will be discharged to an upland area to create a natural gradation between upland and wetland habitats. The plan states that some excavation will be required to allow for this gravity discharge and to bring the soil surface in some areas closer to underlying impervious clay layers. Soil borings show the existence of clay layers between 0 and 36 inches below the ground surface. The wetland restoration plan estimates that it will be necessary to excavate approximately 4000 cubic yards of soil to create a shallow depression at the point of discharge, create additional wetland acreage and contour the surface to channel water flow to the wetland areas.

Establishment of native target plant species will be facilitated by seeding and planting the wetland and upland areas. The plan seeks to achieve plant cover and densities comparable to other natural, seasonal wetlands within three to five years. The restoration plan states that seed will be strewn by hand. In the event revegetation does not meet performance criteria, the plan contemplates transplanting of nursery grown stock.

The plan also proposes monitoring and maintenance measures to promote the success of the planting program, address erosion and ensure that the performance criteria are met. Annual reports of the monitoring program are proposed by the restoration plan for the first five years. The restoration plan sets forth performance criteria and monitoring methods for the wetland. The plan also suggests certain remediation measures in the event that the restored wetland does not meet selected performance criteria within the time periods specified in the five-year monitoring program.

As conditioned to include more detailed monitoring and maintenance provisions to ensure that the stated goals of the plan are successfully achieved, the Commission finds that the proposed

---

<sup>4</sup> The wetland plan notes that the ditch itself is too deep to channel water directly from the ditch to the wetland area via gravity flow and hence that water must be diverted by pipe from near Highway 1.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

restoration plan will substantially increase wetland acreage and values and, as discussed further below, is adequate to compensate for the loss of wetland habitat in the drainage ditch.

To ensure that the restoration plan accomplishes its stated goals, applicants must meet the requirements of **Special Condition 2**. In addition to specifying a comparable reference wetland and monitoring requirements for the wetland restoration, **Special Condition 2** requires the applicants to submit for review and approval of the Executive Director, final engineered grading plans for the wetland restoration area and final engineering and maintenance plans for all drainage and water control structures for the Central Project Area, including stilling basins and/or other structural BMPs. These BMPs must be sufficient to assure that specified water quality standards are met. The conceptual plan itself does not include final engineering, grading or maintenance plans, but expressly states that “[f]inal design and engineering studies will be conducted following the approval of the CDP . . .” Thus such final plans are necessary before the restoration can begin. In connection with these plans, the applicants must also provide estimates of the average and peak runoff volumes proposed to be discharged to the wetland to guarantee that the restored wetland can accommodate both average and peak flows.

**Special Condition 2** also requires that the applicants provide a more extensive wetland delineation, vegetation map and restoration plan, together with an aerial photo overlay, encompassing all property owned by the applicants in the Central Project Area. The plan submitted address only the eastern portion of the Central Area without describing the adjacent areas to the west, which are also under the applicants’ ownership.

**Special Condition 2** also requires the applicants to provide a final planting program specifying all species to be planted, seeds and plants sources, timing of planting, and plant locations and elevations on a base map of the restoration area. Planting of upland areas is restricted to native grassland species only. Prior to grading the wetland restoration area, the entire project site shall be mown to minimize invasion by weedy species from the surrounding areas.

**Special Condition 2** also provides for a monitoring program that involves independent monitoring of the restoration area and statistical comparison to a reference wetland to verify that the objectives of the restoration project are successfully met. The monitoring must be conducted by a qualified professional acceptable to the Executive. The applicant shall be responsible for the costs incurred to conduct all monitoring surveys and the preparation of the required monitoring reports.

The requirements of **Special Condition 2** are necessary to ensure that the diversion of the drainage ditch will substantially increase wetland acreage and values. Therefore, as conditioned, the Commission finds that the proposed 1.1 acres of wetland fill is allowable as fill for restoration purposes under Coastal Act/LUP Policy 30233(a)(7).

### ***Alternatives Analysis***

In accordance with Section 30233(a), wetland fill for restoration purposes may only be permitted if there is no less environmentally damaging feasible alternative. Therefore, while the proposed redirection of the drainage ditch, as conditioned, qualifies as fill for restoration purposes, it cannot be permitted unless the Commission determines that there is no less environmentally damaging feasible alternative to achieve the restoration goals and objectives of the project.

Several potential alternative sources of water for the restored wetland exist, which must be evaluated. These potential sources include: (1) excess irrigation water from nursery operation on adjacent property, (2) groundwater, (3) precipitation, (4) re-establishment of sheet flow from east of Highway 1 without drainage improvements and (5) diversion of water from the drainage ditch,. The first alternative, excess irrigation water from nursery operation, is essentially the status quo. The fifth alternative, diversion of water from the drainage ditch, is the favored alternative proposed by the applicants. The following discussion evaluates each of these alternatives in detail. (Appendix B to **Exhibit 13**, the applicants' conceptual wetland restoration plan, also lists the advantages and disadvantages of each potential alternative water source in tabular form.)

### **(1) Excess Irrigation Water from Nursery Operation**

Irrigation water from the nurseries on the neighboring parcel is a current source of water for the wetlands. Accordingly, this alternative would require no change over the status quo, and would avoid the need to fill the drainage ditch currently running over the site. However, this alternative has several disadvantages. First, the amount of water discharged is dependent upon water used in the nursery operation and is not controllable by the applicant. The water source can be interrupted at any time by the nursery operator. Second, according to the applicants' wetland restoration plan, recent observations indicate that wetland vegetation has decreased in some areas because of decreased discharge from the nurseries. As it stands, irrigation water from the nurseries is inadequate to support the existing wetlands and to carry out the wetland restoration program. Third, the time of year that the water is discharged does not correspond to natural seasonal cycles, and for that reason is not ideal for use as the primary water source, even were this source to provide adequate water for wetland restoration purposes. Finally, the water quality of irrigation water from the nurseries is unknown, but likely contains nutrients, herbicides and/or pesticides used in the nursery operations.

The fact that the irrigation water from the nurseries is not reliable or sufficient to support existing wetlands makes this alternative inadequate to accomplish the objectives of the restoration project. Therefore, this alternative is not a less environmentally damaging feasible alternative.

### **(2) Groundwater**

Artificially pumping water from groundwater beneath the project site is another potential source of water for the Central Area wetlands, which avoids diverting water from the drainage ditch. This alternative has the advantage that the water quality of groundwater is potentially good depending on the depth from which water is drawn. Water from this source would likely be free of agricultural and other pollutants potentially present in the irrigation water from the nurseries. However, groundwater would need to be pumped from wells, and would result in consumption of energy and additional expenses. Groundwater would also require metering and is subject to conservation measures during drought periods. Groundwater supplies in the City of Half Moon Bay are already limited and the amount of water available is unknown. Thus, this alternative would require long-term maintenance and management by the applicants. Therefore, this alternative is not a less environmentally damaging feasible alternative.

### **(3) Precipitation**

Precipitation is already a natural water source for existing wetlands on the site. Although availability of water from rainfall corresponds to natural seasonal cycles and its water quality is

generally high, this source is not likely to be sufficient by itself to maintain the wetlands. The wetlands are presently supported by excess irrigation water discharge, and the amount of water derived from precipitation is a small percentage of the water currently saturating the wetlands in the Central Area. Therefore, this alternative is not a less environmentally damaging feasible alternative.

#### **(4) Re-establishment of Sheet Flow from East of Highway 1**

The re-establishment of sheet flow to the wetlands from east of Highway 1 would entail the restoration of natural environmental conditions on and adjacent to the site. AS with water from the drainage ditch, such water would have been available during the natural period of wetland inundation and would have provided water superior in quality to the nursery irrigation water. However, existing development, including Highway 1 and the nurseries on the adjoining property, presently lie between the fields to the east of Highway 1 and the wetlands in the Central Area to be restored. This existing development blocks the flow of overland runoff from the east of Highway 1. Re-establishing overland sheet flow would require modification of the existing development and drainage of the site, and would be impractical. Therefore, this alternative is not a less environmentally damaging feasible alternative.

#### **(5) Diversion of Water from Drainage Ditch**

Sheet flow from the area east of Highway 1 is one of the probable historic sources of water to the wetlands in the Central Area. Water from this area now drains to the agricultural drainage ditch, which flows under Highway 1 and across the project site. Water currently flowing through the drainage ditch has several advantages over other potential alternative sources. To begin with, the drainage ditch provides a readily available water supply sufficient to support a seasonal wetland system. Water from the drainage ditch can be redirected to the wetland area by gravity flow from near Highway 1 by construction of new drainage improvements, without the requirement for additional pumping. The availability of such water, which is greater during the winter storm periods, directly corresponds to the natural period of wetland inundation. Additionally, water quality of water from this source, although containing agricultural runoff and runoff from Highway 1 itself, is probably better than that of irrigation water from nursery operation. Because of the relative volume of flow and pollutant loading, pollutants in the drainage ditch water are probably more dilute than in the nursery irrigation water. Use of water from the drainage ditch has the further advantage that it does not involve additional costs or expenses. Currently, this water is not used for wetland purposes, except incidentally in areas meeting LCP wetland criteria within the drainage ditch itself. Wetland areas in the drainage ditch have significantly less habitat value compared with the wetlands in the Central Area to be restored. Therefore, the proposed diversion is the least environmentally damaging feasible restoration alternative.

### **Conclusion**

The restoration goals and objectives for the Central project area require that an additional and more secure source of water be provided for this area. Without this additional water source, the restoration project would not provide a substantial gain in wetland acreage and values. The no project alternative, relying solely on the irrigation water from the neighboring nurseries, would not provide adequate water for the restoration plan and would not achieve the project goals.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

Of the available potential alternative or additional water sources, water flowing from east of Highway 1 through the drainage ditch onto the site is the best available alternative. The ditch is an artificial feature, averages only several feet wide, is straight-sided, has no associated riparian vegetation or ponded areas. Thus, although the proposed diversion of the drainage ditch would result in 1.1 acres of wetland fill, the environmental damage resulting from this wetland fill would be insignificant. With the possible exception of groundwater pumping, other alternative water sources are each inadequate to accomplish the restoration goals. There is not enough precipitation on the site to support the restored wetland and existing development upgradient of the wetlands blocks overland sheet flow. Groundwater pumping, while theoretically possible, would involve groundwater depletion and substantial additional ongoing expenditures of energy and money. Water in the drainage ditch, by contrast, is a readily available water source, which need only be redirected to the Central Area. The habitat value of the restored wetland there would more than compensate for the loss of the minimally valuable wetland in the drainage ditch which would be lost. No less environmentally damaging feasible alternative exists to provide the additional water source to the wetlands that is necessary to achieve the restoration project objectives. Therefore, the Commission finds that the proposed fill of the drainage ditch meets the alternatives analysis requirement of Coastal Act/LUP Policy 30233(a).

#### ***Mitigation Measures***

Coastal Act/LUP Policy 30233(a) also requires that for any allowable wetland fill, the project provide feasible mitigation measures to minimize adverse environmental effects. As discussed above, the drainage ditch provides only very limited wetland habitat functions because of its unnatural configuration. As conditioned, the proposed wetland restoration project would substantially increase wetland acreage and values and will ensure that the restored wetlands provide a more functional wetland ecosystem than the existing drainage ditch provides. Thus, the Commission finds that the proposed restoration project, as conditioned, will provide environmental benefits adequate to offset the adverse environmental effects of the proposed wetland fill consistent with the mitigation requirement of Coastal Act/LUP Policy 30233(a).

#### ***Buffers***

In accordance with LUP Policy 3-11 and Zoning Code Section 18.38.080(D), development is prohibited within 100 feet of wetlands. Based on the wetland restoration plan submitted for the Central Area and the revised project proposal, which eliminates all development south of Wavecrest Road, the proposed project in the Central Area conforms to the 100-foot wetland buffer requirement specified in Zoning Code Section 18.38.080. Furthermore, the wetland restoration plan for this area will increase the aerial extent of these wetlands. Therefore, as proposed, the Commission finds that the wetland restoration plan in the Central Area conforms with the wetland buffer requirements of LUP Policy 3-11 and Zoning Code Section 18.38.080(D).

Pursuant to **Special Condition 2**, in the project area south of Wavecrest Road, no development is permitted within 100 feet of the existing and future restored or created wetland delineated in accordance with Zoning Code Section 18.38.080. **Special Condition 2** also requires that the applicant execute and record a deed restriction over all existing, restored, and created wetlands and within 100 feet of these wetlands in the Central area restricting development.

***Former Agricultural Pond***

The 1.2 acre former agricultural pond located in the Northern Area of the project site, which applicants previously proposed to fill, will now be left intact with a minimum buffer of 100 feet from the residential development proposed for the Northeastern Area of the site. This pond, which displays wetland characteristics as defined by the certified LCP, is presently bounded by high, man-made berms. The only source of water to the wetland is from direct precipitation falling within the berms. The applicants propose to remove the high berms surrounding the pond to increase runoff into the pond and enhance the visual appearance and habitat value of the wetland.

To insure that the former agricultural pond remains intact as a viable wetland without loss of area, **Special Condition 1** requires the applicants to submit final engineered grading plans and drainage plans for the Northern Residential Neighborhood demonstrating that a sufficient volume of surface runoff will be directed into the former agricultural pond to maintain no less than 1.2 acres of wetland in place. If this requirement is not met, **Special Condition 1** requires the applicants to submit a remediation plan proposing appropriate measures to correct the failure. **Special Condition 1** also contains a monitoring requirement for a minimum of five years with annual reporting to ensure that the wetland satisfies the success criteria stated in the condition. The applicants are also required by the Condition to execute and record a deed restriction prohibiting development in the delineated wetland within the former agricultural pond and within 100 feet of the wetland.

***Other Wetland Areas***

**Special Condition 1** also requires that the development avoid other wetland areas and that a 100 foot buffer be preserved between development and any wetland areas. In particular, the May 29, 2000 vegetation study submitted by the applicants shows predominant wetland vegetation at the western edge of the proposed residential subdivision in the Northern Area (**Exhibit 31**, Figure 4). **Special Condition 1** requires the applicants to preserve a 100-foot buffer between the new development and these wetland areas. The Final Plans and revised Vesting Tentative Tract Map, which the applicants are required to submit pursuant to **Special Conditions 1 and 19** must reflect this buffer requirement.

**4.2 Raptors and Other Wildlife**

**4.2.1 Issue Summary**

The project area provides nesting, foraging, perching, and roosting habitat for raptors, which are considered a unique species under the LCP. Saltmarsh common yellowthroat, a small warbler, is a California Department of Fish and Game (DFG) species of special concern known to breed in the wetland area of the Central project area. Additionally, although the LCP does not identify monarch butterflies as an endangered, threatened, rare, or unique species, it is considered a DFG special animal and its overwintering use of the tree stands in the North Wavecrest PDD is recognized as regionally important. The LCP considers areas supporting unique species to be environmentally sensitive habitats that warrant protection from significant adverse impacts caused by land use or development. As revised, the project has eliminated all development south of Wavecrest Road where prominent tree stands afford perching and roosting spots for raptors. In particular, the Boys and Girls Club has been moved north of Wavecrest Road adjacent to the playing fields and the affordable housing units, which were previously proposed for the Central

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

Area, have been moved to the mixed use area. As proposed, the project still involves removal of two stands of cypress trees immediately north of Wavecrest Road located in the proposed Middle School site and proposed mixed use area. The proposed project also includes the development of a 7.7 acre detention basin, lateral public access trails and single family residences in the vicinity of an identified red-tailed hawk nest in the western project area.

#### **4.2.2 LCP Standards**

The LUP references the definition of “environmentally sensitive area” in Policy 30107.5 of the Coastal Act. An environmentally sensitive area is defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

LUP Policy 3-1 defines sensitive habitats to include riparian areas, wetlands, sand dunes, marine habitats, sea cliffs, and habitats supporting rare, endangered, and unique species.

LUP Policy 3-3 prohibits any land use and/or development that would have significant adverse impacts on sensitive habitat areas, and states that development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitats. Furthermore, all uses shall be compatible with the maintenance of biologic productivity of such areas.

LUP Policy 3-4 permits only resource-dependent or other uses which will not have a significant adverse impact on sensitive habitats and are consistent with US Fish and Wildlife and State Department of Fish and Game regulations.

LUP Policy 3-33 allows limited uses in unique species habitat, such as education and research; hunting; fishing; pedestrian and equestrian trails with no adverse impact on unique species or its habitat; and fish and wildlife management to the degree specified by existing governmental regulations.

LUP Policy 7-9 requires new development to be sited and designed to avoid or minimize destruction or significant alteration of significant plant communities, including notable tree stands.

LUP Policy 9.3.6(n) states that development in the Wavecrest PDD shall give maximum consideration to preserving the cypress and eucalyptus hedgerows at the west end of the L.C. Smith property (The L.C. Smith property is the northern portion of the proposed project area).

Zoning Code Section 18.37.045 defines significant plant communities to include the cypress and eucalyptus stands or rows in the North Wavecrest PDD. Significant plant communities include notable tree stands in the City, and unique species such as Monterey pine and wild strawberry. The Zoning Code requires the preservation of these plant communities wherever possible, and includes preservation guidelines for notable tree stands or hedgerows, riparian vegetation, and wild strawberry. Zoning Code Section 18.37.045 also prohibits development from disturbing tree stands including their root systems, and from intruding upon riparian vegetation or the habitat of existing unique vegetative species. However, where there is no feasible alternative to development, permits for the removal and replacement of vegetation must be obtained by the applicant.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

Zoning Code Section 18.38.090(A) defines unique species as those organisms which have scientific or historic value, few indigenous habitats, or characteristics that draw attention or are locally uncommon. The Zoning Code considers raptors (owls, hawks, eagles, and vultures), California red-legged frog, and sea mammals as unique species. The unique plant species in Half Moon Bay are California wild strawberry and Monterey pine.

Zoning Code Section 18.38.090(C) requires the prevention of development, trampling or other destructive activity that would destroy any unique plant species. Plants identified as being valuable shall be successfully transplanted to another suitable site.

Zoning Code Section 18.38.090(E) states that it is not desirable to encourage wholesale removal of existing stands of blue gum eucalyptus trees, but that removal of blue gum seedlings to prevent the spread of the species is encouraged. The code requires the City to discourage private landowners from planting blue gum eucalyptus on private property.

LUP/Coastal Act Policy 30240 protects environmentally sensitive habitat areas from significant disruption of habitat values. The policy allows only resource-dependent uses in ESHAs, and requires development adjacent to ESHAs to be sited and designed to be compatible with and prevent impacts to ESHAs.

#### **4.2.3 Background**

At the June 14, 2000 hearing for the Wavecrest Village Project, the Commission gave applicants the alternative of either relocating development in the Central Area or providing additional information on raptor habitat in the project area. Since the revised project does not propose any development below Wavecrest Road, and the existing tree stands will remain undisturbed, no impacts to raptor habitat will result from the proposed development to the Central Area. The nearest development to these existing tree stands will be the reconfigured playing fields and Boys and Girls Club north of Wavecrest Road. The applicants' proposal continues to involve the removal of trees north of Wavecrest Road on the site of the proposed Middle School and mixed use area and the development of a 7.7 acre detention basin, lateral public access trails and single family residences in the vicinity of an identified red-tailed hawk nest in the western project area.

#### ***Site Information***

##### **Tree and Grassland Locations**

A vegetation map in the January 1999 Wavecrest Village Specific Plan Draft Environmental Impact Report shows the locations of tree stands, grassland, and riparian scrub in the project area (**Exhibit 14**). The May 29, 2000 Vegetation Study submitted by the applicants also describes vegetation in the project area (**Exhibit 31**).

The project area contains several tree stands. The largest stand is a J-shaped windrow of Monterey cypress and blue-gum eucalyptus along the northern boundary of the western project area. Another windrow of cypress runs along the southern boundary of the westernmost project portion. Two cypress stands exist along Wavecrest Road, and a grove consisting of black acacia, eucalyptus, and cypress trees stands to the south of the road. Small stands of acacia and cypress are scattered over the Central project area, and one group of eucalyptus is located at the northern project boundary.



## **A-1-HMB-99-051**

### **Wavecrest Village Project**

Annual and perennial grassland exists in the vicinity of the ballfields and in the western, Central, and Pasture areas. Cropland (generally grassland) is located in the northern and eastern portions of the project area.

#### **April 2001 Raptor Survey**

In April, 2001, the applicants' biological consultant submitted a raptor survey to Commission staff. The consultant conducted five daytime surveys and one nighttime survey using methodologies recommended by a specialist on the California Department of Fish and Game raptor survey protocol design team. The survey noted that "special attention was devoted to raptor activity within and adjacent to the proposed development footprint, especially eucalyptus and cypress groves (WRA 2001)."

The consultant observed three species of raptors directly on or over the project area or in the immediate vicinity: red-shouldered hawk, red-tailed hawk, and turkey vulture. Two pairs of red-tailed hawks and one red-shouldered hawk have territories within or overlapping the project site. The consultant further located one red-tailed hawk nest in the northernmost eucalyptus tree stand of the project area (**Exhibit 5**). One pair of red-tailed hawks foraged in the tree stands near the nest and in several trees north of the nest. The pair exhibited mating behavior, territorial behavior near the nest, and reluctance to leave the tree stand. In mid-April, the consultant observed one hawk incubating eggs in the nest.

The consultant also observed other red-tailed hawks circling the Pasture and Central areas. One red-shouldered hawk was spotted perching and flying between the eucalyptus tree stands in the Western and Central areas and to the southwestern edge of the Pasture Area. The red-shouldered hawk was also observed feeding in the Central area tree stand. One turkey vulture was observed circling west of the Pasture area and in the eucalyptus stand in the Central area. While the consultant did not locate any owl species, the consultant found owl pellets in the grassland areas in the Western and Northwestern areas of the project site.

#### **Raptor Information from Previous Reports**

The Wavecrest Village Specific Plan Draft Environmental Impact Report (DEIR) dated January 1999 notes that the trees on the project site "provide shelter, foraging and nesting habitat for woodland-adapted wildlife species, including nesting habitat for raptors (Brady/LSA 1999)". A survey conducted on August 21, 1998 revealed that red-tailed hawk frequent the grassland in the western, Central, and Pasture areas of the project, and that small rodents probably inhabit the grassland and provide food for raptors like the white-tailed kite, northern harrier, and red-tailed hawk. Northern harrier may potentially nest in the cropland in the western and Central project area and in the northern project area. The northern area may also provide foraging habitat for the harrier and white-tailed kite. The DEIR further states:

*The large stands of eucalyptus and Monterey cypress trees on the site provide potential nesting habitat for raptors and other birds, and shelter for birds migrating through the area or migrant birds that remain in the area during the winter months.*

The consultant observed red-tailed hawk and evidence of great horned owl (a feather) among the tree stands in the project area. The DEIR states that the large trees in the project area potentially provide suitable nesting habitat for white-tailed kite and Cooper's hawk. Lastly, the DEIR notes that uprooted trees and brush piles in the western project area provide perching and roosting areas for raptors such as white-tailed kite and American kestrel.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

A biological assessment of special status species habitat was conducted at the project site on February 20, 1998 by the same biological consultant that conducted the April 2001 raptor survey. The assessment defines special status species as plants and animals formally listed or proposed for listing as endangered or threatened under the federal or state Endangered Species Acts and federal and California Department of Fish and Game (DFG) species of special concern. At the time of the assessment, one northern harrier, a DFG species of special concern, was observed in the Wavecrest Village Project area in the northwestern grasslands near the coastline, and west of the existing ballfields, outside of the project area. The assessment lists red-tailed hawk, white-tailed kite, and American kestrel as other raptors observed during the survey, and states that suitable foraging habitat among the trees in the western parcel of the project site exists for sharp-shinned hawk and Cooper's hawk, two DFG species of special concern, although none were observed during the visit.

The January 1995 Draft Environmental Impact Report for the North Wavecrest Redevelopment Plan prepared by the City's Community Development Agency included information on wildlife habitat in the North Wavecrest area. The DEIR states that the grasslands in the area provide important foraging habitat for raptors such as red-tailed hawk, red-shouldered hawk, white-tailed kite, marsh hawk, American kestrel, turkey vulture, great horned owl, barn owl, and short-eared owl. Furthermore, the DEIR finds that the trees in the project area are "important nesting and roosting sites for resident and migrating birds and other wildlife (City of Half Moon Bay 1995)," including several raptor species.

#### **Raptor Information from the Public**

In December 2000 and May 2001, Commission staff received additional information from Gary Deghi, a member of the public, regarding raptor populations and other wildlife at the project site (**Exhibits 15 and 16**). He holds a graduate degree in Wildlife Ecology, has 23 years of experience in conservation planning and permitting related to wetlands and endangered species, and is a current Director of the Sequoia Audubon Society. Mr. Deghi has participated in the Society's annual Christmas Bird Counts in the North Wavecrest area and has observed birds in the vicinity of the project area since 1987.

Mr. Deghi observes that the North Wavecrest Restoration Area (**Exhibit 17**, generally encompassing the Wavecrest PDD) contains habitat suitable for raptors, such as dense riparian corridor for cover, mature trees for cover, perching, and roosting, and nesting substrate, emergent wetlands and grasslands for nesting and foraging, and open space for feeding.

Mr. Deghi states, "Based on the quality of the habitat, numbers of individuals and the mix of species, this area [the general Wavecrest PDD] is considered by Sequoia Audubon Society as the best habitat for wintering raptors in San Mateo County". Data gathered by Mr. Deghi and the Sequoia Audubon Society, demonstrates the raptors observed overwintering in the Wavecrest PDD include red-tailed hawk, red-shouldered hawk, Cooper's hawk, sharp-shinned hawk, ferruginous hawk, rough-legged hawk, broad-winged hawk, American kestrel, white-tailed kite, Northern harrier, merlin, golden eagle, peregrine falcon, prairie falcon, turkey vulture, great-horned owl, barn owl, and short-eared owl. Of the raptor species observed, the short-eared owl and the wintering populations of merlin and ferruginous hawk are DFG species of special concern. Golden eagle and peregrine falcon are fully protected; ferruginous hawk is a federal species of concern, peregrine falcon is state-listed as endangered. One Swainson's hawk, a State-listed threatened species, was observed overwintering at the site two years ago and was the first

known Swainson's hawk to overwinter in coastal Northern California. The Sequoia Audubon Society finds more raptor individuals and more raptor species in the North Wavecrest area than in any other location San Mateo County during the winter.

Mr. Deghi states that the project area and the remainder of the North Wavecrest area comprise an integrated complex of roosting and foraging locations for raptors. The two significant roosting locations in the project area, the cypress and eucalyptus windrows in the western project area and the cypress and eucalyptus trees in the Central area south of Wavecrest Road, represent to Mr. Deghi the most commonly used winter roosting areas in the North Wavecrest area. In one instance, participants in the December 1994 Christmas Bird Count recorded 11 barn owls in the eucalyptus trees south of Wavecrest Road. On another occasion in January 2001, Mr. Deghi and representatives of the City and Montara Sanitary District observed an abundance of short-eared owl, Northern harrier, red-tailed hawk, red-shouldered hawk, and white-tailed kite within a half hour at dusk in the Central project area. The raptors likely roost in the adjacent tree stands south of Wavecrest Road. Overall, bird observers at the site notice use of the area south of Wavecrest Road and in the nearby fields.

Alvaro Jaramillo, a biologist with the San Francisco Bay Bird Observatory, has also submitted information regarding the raptor population in the North Wavecrest area (**Exhibit 18**).

**Saltmarsh Common Yellowthroat**

The January 1999 DEIR for the Wavecrest Village Project identifies the saltmarsh common yellowthroat, a subspecies of common yellowthroat occurring in the San Francisco Bay region, as a DFG species of special concern. The DEIR notes that sightings of saltmarsh common yellowthroat have been recorded near Princeton, about six miles north of the project area, and potentially near the mouth of Pilarcitos Creek, about one mile north of the project site. A male and female pair of common yellowthroats was observed by the environmental document consultant in August 1998 and could have been saltmarsh common yellowthroat individuals. The DEIR states that the riparian area and the cattails in the Central project area may provide suitable nesting habitat for the subspecies. In support of this, Mr. Deghi reports that Alvaro Jaramillo has documented a breeding population of saltmarsh common yellowthroat in the Central wetland area of the proposed project.

**Monarch Butterfly**

The monarch butterfly is not a listed or proposed endangered or threatened species, nor does the LCP consider it a unique species. However, the presence of the monarch butterfly at the proposed project site is noteworthy. A bivouac, or colony, of about 1,000 monarch butterflies was observed in the eucalyptus stand in the western project area in 1990. A member of the public has also reported sighting thousands of monarch butterflies in the same eucalyptus trees over a period of 3 days in the winter of 1997. In February 1998, several wintering monarchs were observed flying in the vicinity of the same eucalyptus grove in the project area.

Because of the concern for potential impacts to winter roosting sites and because within the State, its range has been restricted and/or the individual numbers have declined, the monarch butterfly is considered a DFG special animal, and its wintering sites are tracked by the DFG. Monarch butterflies breeding west of the Rocky Mountains migrate to overwintering sites on the Pacific coast, from Marin County to northern Baja California. According to the January 1999 Draft EIR for the Wavecrest Village Specific Plan, the project site exhibits characteristics which are common to overwintering sites: it is within a kilometer of the Pacific Ocean, lending to

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

moderate winter temperatures and small diurnal fluctuations; it is close to a coastal stream canyon, reducing the occurrence of subfreezing temperatures; and the grove is dominated by blue gum eucalyptus, providing wind protection, shade, and high humidity. The monarch butterfly has been known to aggregate in Monterey pine and Monterey cypress groves as well. These tree species also exist in the western project area.

### ***Proposed Project***

The majority of the development is currently proposed in what is generally grassland or cropland, with some exceptions. The applicant's proposal continues to involve the removal of trees north of Wavecrest Road on the site of the proposed Middle School and mixed use area.

The applicants also propose the development of a 7.7-acre detention basin, lateral public access trails, and single family residences in the vicinity of the identified red-tailed hawk nest. However, the applicants' consultant notes that no construction is proposed in the vicinity of the nest site in the northernmost eucalyptus grove this year. In any case, the applicants' consultant recommends the monitoring of the nesting site by a qualified biologist prior to any construction. The biologist must determine whether nesting is taking place and if so, the biologist must monitor nest activity until the fledglings leave the nest. The applicants' consultant states that the Department of Fish and Game commonly recommends delaying construction near nests until the young have fledged, but this specific recommendation was not proposed as part of the project.

### ***Issues***

#### **LCP Policies for Raptors and Sensitive Habitat**

Raptors such as owls, hawks, eagles, and vultures are considered a unique species in the LUP and specifically under Zoning Code Section 18.38.090(A). The Zoning Code defines unique species as organisms having scientific or historic value, few indigenous habitats, or characteristics that draw attention or are locally uncommon. Permitted uses in unique species habitat as stated in LUP Policy 3-33 include education and research, hunting, fishing, pedestrian, and equestrian trails having no adverse impact on the unique species or its habitat, and fish and wildlife management to the degree specified by existing government regulations. Furthermore, habitats supporting rare, endangered, and unique species fall under the definition of sensitive habitats listed in LUP Policy 3-1. Any land uses and/or development resulting in significant adverse impacts to such sensitive habitat areas are prohibited by LUP Policy 3-3. LUP Policy 3-4 permits only resource-dependent or other uses that will not adversely impact sensitive habitats.

#### **Potential Impacts to Red-Tailed Hawk and Other Raptor Nests in the Western Area**

Studies show that human disturbance and noise reduce the success of red-tailed hawk nests (Washington Department of Fish and Wildlife, Richardson and Miller 1997). As proposed, the project would not remove or disturb the tree stands in the western project area and thus, the project would not directly impact the sensitive habitat of the nesting tree and its immediate vicinity. After construction, the proposed access trail and detention basin would produce low intensity uses and would be located sufficiently away from the red-tailed hawk nest. The proposed residence nearest the nest is several hundred feet away. Therefore, the proposed uses would not adversely impact the red-tailed hawk nest or the tree stand supporting the nest, consistent with the permitted uses of LUP Policy 3-4.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

However, as proposed, the construction of public lateral access trails, detention basin, and residences may produce substantial noise in the vicinity of the identified red-tailed hawk nest in the western project area, causing significant temporary adverse impacts. To reduce the potential of impacting the nesting birds during construction, the applicants' biological consultant recommends monitoring of the nesting site by a qualified biologist prior to any construction. The biologist must determine whether nesting is taking place and if so, the biologist must monitor nest activity until the fledglings leave the nest. The applicants' consultant states that the Department of Fish and Game commonly recommends delaying construction near nests until the young have fledged, but this specific recommendation was not proposed as part of the project.

Based on *Management Recommendations for the Red-Tailed Hawk* by the Washington Department of Fish and Wildlife, the condition specifies that clearing, grading, outside construction, or other heavy activity shall be prohibited within a radius of 650 feet of red-tailed hawk nests during the nesting period. The nesting period for red-tailed hawk is generally February 1 through August 1. To ensure that the nest in the Western project area are protected from disturbance during construction, the Commission imposes **Special Condition 3** to prohibit development within 650 feet of any occupied raptor nest. The condition requires that a qualified biologist determine when the young have fledged and the nest has been abandoned.

Other raptor nests may exist that have not yet been identified in the Western area of the project site. To prevent disturbance to currently undetected raptor nests, **Special Condition 3** requires a qualified biologist to survey the entire area proposed for construction, including trees and other vegetation, and the area within 650 feet of the proposed development for signs of raptor nesting and/or nests within 30 days of construction. Construction within 650 feet of an identified raptor nest shall be prohibited until a qualified biologist determines that the young have fledged. The 650-foot buffer for active raptor nests is generally the shortest distance recommended for raptor species.

### **Nighttime Ballfield Illumination**

**Special Condition 5** requires the applicants to submit, prior to the issuance of the Coastal Development Permit, a Lighting Plan for the Mixed Use Area, Middle School, Boys and Girls Club and sports fields, designed to minimize the effects of nighttime lighting on raptors in the Central Area. **Special Condition 5** requires that lighting be directed downward and away from Wavecrest Road, that lighting shall be the minimum necessary to provide for the permitted uses, and that the sports fields and related facilities shall be lighted only when in use.

### **Tree Removal in the Central Area No Longer Proposed**

The applicants now propose to construct the Boys and Girls Club on the north side of Wavecrest Road (**Exhibit 4**). No other development is proposed in the area between Wavecrest Road and Redondo Beach Road. As a result, the project no longer involves the removal of trees in significant tree stands south of Wavecrest Road, and special mitigation for tree removal is no longer required.

### **Tree Removal North of Wavecrest Road**

Although the applicants no longer propose to remove trees in the Central Area south of Wavecrest Road, the project as presently proposed still involves removal of two separate stands of trees immediately north of Wavecrest Road on the site of the proposed Middle School and mixed use area. The vegetation study prepared by the applicants' wetland consultant dated May

## A-1-HMB-99-051

### Wavecrest Village Project

29, 2000 shows these tree stands (**Exhibit 31**). According to this study, both the larger stand across Wavecrest Road from the Central Area and the smaller stand to the east consist predominantly of an unspecified number of cypress (*cupressus macrocarpa*), eucalyptus (*eucalyptus globulus*) and acacia (*acacia melanoxylon*) trees.

The applicants propose to mitigate for the removal of the existing trees by planting a mixture of trees such as Monterey cypress, coast live oak, and redwood as a new windbreak along the southerly and westerly property lines. Coyote brush, willow, and currant are other plants recommended for revegetation of the site. The consulting arborist explains that the replacement of the existing trees stands with the suggested plant species would create higher wildlife value because of the lower density of individual plants, greater species diversity overall and in the understory, and will allow for long-term maintenance and remediation as necessary.

Based on the April 2001 raptor survey, no raptor nests or nests of other unique, endangered, threatened or rare species are located in the tree stands north of Wavecrest Road in the location of the proposed Middle School and mixed use area. Therefore, the proposed removal of a majority of the trees in this area would not adversely impact environmentally sensitive nesting habitat. Since the applicants propose to leave intact the denser and taller stand of existing trees south of Wavecrest Road, raptors and other bird species would still be able to perch and roost in the vicinity. Furthermore, the Central wetland area and Western Area will remain undeveloped, thus maintaining important foraging areas for raptor species.

To minimize the impacts of tree removal in the two stands north of Wavecrest Road, **Special Condition 4** requires the applicants to submit a Tree Protection Plan for the areas where the trees are located for the review and approval of the Executive Director. The Plan must include an assessment prepared by a qualified arborist or wildlife biologist of the habitat value of each tree proposed to be removed and a site plan showing each tree proposed to be removed as part of any approved development. The plan shall be designed to retain the maximum number of existing trees on the site. In addition, the plan shall include a revegetation design that shows species, number, and location of all plants proposed for planting. The plan and revegetation design shall be designed to allow for maximum use by raptors. As conditioned, the proposed project is consistent with the LCP policies which require that new development be sited and designed to minimize alteration of notable tree stands.

#### 4.2.4 Conclusion

Biological assessments of the proposed project site have demonstrated the occurrence of foraging, perching, and roosting habitat for raptors in the project area. Red-tailed hawk and saltmarsh common yellowthroat are special-status species known to breed in the project area. Moreover, several sources report the overwintering of monarch butterfly colonies in the eucalyptus tree stands in the western project area. The proposed project would preserve the tree stands in the western project area and the wetland in the Central project area, thereby protecting red-tailed hawk and saltmarsh common yellowthroat breeding areas and monarch butterfly overwintering habitat. To ensure that the nest in the Western project area are protected from disturbance during construction, the Commission imposes **Special Condition 3** to prohibit development within 650 feet of any occupied raptor nest. Moreover, the construction of the proposed Boys and Girls Club north of Wavecrest Road no longer requires the removal of trees in the Central area as conditioned by Special Condition 4. The proposed project has also been designed to minimize the alteration of notable tree stands as the removal of trees in the two

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

stands north of Wavecrest Road must be conducted in accordance with a Tree Protection Plan required by **Special Condition 4**. The Commission finds that as conditioned by Special Condition 4, the applicants' revised project proposal, which retains roosting and perching habitat in the Central Area and Western Area is consistent with the habitat and tree stand requirements of the certified LCP.

### **4.3 Water Quality**

#### **4.3.1 Issue Summary**

The applicants propose to create impervious surfaces on a 40.3-acre, 190-parcel subdivision in the northern residential area; affordable housing; 14.8 acres of mixed-use commercial area; a 25.3-acre middle school site; a 2.8-acre Boys and Girls Club site; and approximately 11 acres of associated streets and sidewalks. The development of houses, buildings, driveways, parking lots, streets, and sidewalks increases the amount of water that can no longer percolate into soil or land on vegetation. Uses associated with these developments, such as the irrigation of gardens, will also contribute to project-generated runoff. As a result, the project site will produce increased runoff that will require treatment. This treatment is necessary to comply with LCP standards protecting coastal water quality and human health.

As part of the development, the applicants propose to treat the urban runoff produced on the project site by installing a system of gutters and stormdrains. Runoff from the project site will discharge into a 7.7-acre detention pond in the western portion of the project area, designed to accommodate and treat the project area stormwater.

While the detention pond helps to improve water quality, it is necessary that the pond and all other mechanisms to treat runoff be in place before the proposed development is constructed. Furthermore, active maintenance and monitoring are needed to assure that water quality improvements continue to be effective for the life of the project. To ensure this, the Commission imposes **Special Conditions 7, 8, and 9**.

**Special Condition 7** requires the applicant to submit a final Grading Plan to the Executive Director, including the quantities of cut and fill of the development. **Special Condition 8** requires the applicants to submit an Erosion Control Plan to the Executive Director showing how the project will minimize and control erosion and limit the use of toxic substances. **Special Conditions 9** requires the applicant to submit a water quality monitoring plan (WQMP) to the Executive Director demonstrating how the development will plan and follow up on water quality protection for the project area.

As conditioned, the proposed project conforms with the LUP/Coastal Act policies protecting water quality.

#### **4.3.2 LCP Standards**

The LCP contains policies to protect water quality in Half Moon Bay's Coastal Zone.

LUP/Coastal Act Policy 30231 requires that the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes be protected to maintain optimum populations of marine organisms and to protect human health. Where feasible, the biological productivity and quality of coastal waters shall be restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

LUP/Coastal Act Policy 30253 requires new development to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

LUP Policy 4-9 requires flows from graded areas to be kept to a minimum and not exceed the rate of erosion and runoff from undeveloped land. The policy requires stormwater outfalls, gutters, and conduit discharge to be dissipated.

LUP Policy 9.3.6(l) requires the irrigation of open space with unclaimed water, as feasible, and the use of retention basins, grading, revegetation, and drainage improvements to prevent destabilizing effects on the coastal bluffs.

### **4.3.3 Discussion**

#### ***Existing conditions***

Currently, an approximately 4,600-foot-long unlined drainage ditch runs through the Wavecrest Village Project area. As described in the Environmentally Sensitive Habitat Area discussion above, the ditch carries stormwater and agricultural runoff from an area of approximately 270 acres. This area includes the project site, Highway 1, one of the commercial nurseries south of Wavecrest Road, and a 67-acre sub-basin in agricultural use east of Highway 1 (Foult 2000, WRA 1998). Runoff in the drainage ditch runs west for 1,700 feet on San Mateo County property before discharging off of the 50-foot bluff to the City-owned beach into the Pacific Ocean below. Currently, this runoff flows untreated through the onsite ditch, into the County ditch north of the project area, and off the bluff onto the beach.

#### ***Proposed project***

The applicants propose to install drainage pipes and gutters to collect runoff over the developed project area. **Exhibit 28** describes the proposed improvements. The drainage pipes would connect to a culvert, which would discharge into a 7.7-acre detention pond in the Western portion of the project area (**Exhibit 20**). Runoff from the residential area in the northeast corner of the site would drain first into the restored former agricultural pond and then into the detention pond. Stormwater and agricultural runoff flowing onto the site via the unlined drainage ditch, described above, would be re-directed to the wetland restoration project in the Central Area.

Measures to ensure that specified water quality standards are met for this aspect of the proposed project are discussed above in the section on Wetland Restoration.

The detention pond is designed to treat runoff produced from up to and including the 1.2-inch, 24-hour rainfall event, approximately equivalent to the 90<sup>th</sup> percentile, 24-hour rainfall event. The required storage volume for a 1.2-inch-per-day storm event (a conservative design rainfall) assuming that 45 percent of the rainfall enters the detention pond as runoff is approximately 12 acre-feet. The average release rate over the 24-hour period is about 6 cubic feet per second (Foult, 2000). During low-flow conditions, runoff will percolate into the ground and discharge through an outlet pipe through a rock weir to the County's drainage ditch. Higher flows will discharge to the ditch through two 48-inch pipes. A 60-foot long grouted rock barrier will



## **A-1-HMB-99-051**

### **Wavecrest Village Project**

surround the pond's outlet structure. Very high flows (from the 100-year storm event) will exit via another outlet flow. As designed, the drainage pond will maintain a water level consistent with the channel/wetlands area north of the proposed detention area. Furthermore, as proposed, the vegetation around and in the basin will encourage the creation of wetland habitat and provide an amenity for passive recreation and public access.

#### ***Issues***

Stormwater runoff from developed areas and roads contains pollutants associated with these uses (U.S. EPA, 1993). Nutrients originate from garden fertilizers and poor landscaping practices such as inappropriate plantings or overwatering. Sediment comes from land clearing, grading, construction, and natural processes. Motor fuel and exhaust, improper hazardous waste disposal or spills, consumer products, construction materials, and soil (naturally-occurring) contribute to heavy metals in runoff. Petroleum hydrocarbons come from uses associated with vehicle use such as fuel, oil, grease, exhaust, and brake-lining particles, in addition to accidental spills and improper dumping of vehicle products. Synthetic organic chemicals in urban runoff originate from household cleaners, paints, and pesticides and herbicides. This runoff also may have physical parameter changes in salinity, temperature, and dissolved oxygen stemming from land clearing and decaying organic matter.

As proposed, the detention pond will receive stormwater runoff from the developed area of the site; stormwater and agricultural from outside of the project area will be redirected to the restored wetland in the Central Area. Without the treatment proposed by this project, the runoff from the Highway, agricultural land, and commercial nursery in the project vicinity would continue to discharge untreated onto the beach and into the ocean. Since there are no other proposals to treat this runoff, the project provides an opportunity to improve the quality of this runoff, and thereby protect the biological productivity and quality of coastal waters.

The detention basin and restored wetland as proposed are highly efficient in the removal of total suspended solids and moderately effective in the removal of metals, total phosphorus, nitrogen, and biological oxygen demand. However, while the detention pond is appropriately-sized and is designed to provide much needed water quality treatment, it can employ other best management practices (BMPs) to further maximize its treatment capabilities. As proposed, the development does not attempt to reduce the sources of onsite runoff or treat runoff in the location it is produced. Furthermore, the proposed project does not describe the grading schedule or erosion control measures to be installed for use during and after project construction. The proposed project additionally does not include a monitoring or maintenance plan to assure the effectiveness of the proposed water quality treatment.

In order for the project to maximize water quality benefits and to ensure continued treatment of stormwater and agricultural runoff, the Commission imposes **Special Conditions 7, 8, and 9** below. The Commission notes that consistent with Section 30412 of the Coastal Act, these conditions do not conflict with any determination by the Water Board because the Water Board has not acted on the proposed project.

**Special Condition 7** requires the applicant to submit a Final Grading Plan to the Executive Director prior to the issuance of the coastal development permit. The grading plan must include the quantities of cut and fill and the final design grades and locations for all building

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

foundations, streets, public accessways, the detention pond, and drainage pipes, and the phasing of all grading activities during construction.

**Special Condition 8** requires the applicants to submit an erosion control plan. The components of the plan are intended to minimize the potential sources of erosion within the project area, control the amount of runoff and sediment transport, and retain and treat pollutants onsite.

**Special Condition 8** also limits the use of toxic substances and the runoff of nutrients to surface waters. The erosion control plan shall be submitted for review and approval by the Executive Director prior to the issuance of the coastal development permit.

Additionally, **Special Condition 8** requires the applicant to inspect and maintain the erosion control measures throughout the construction period. The applicant must submit inspection reports on the condition of the structural Best Management Practices (BMPs) required under this condition to the Executive Director at specified intervals. The condition holds the applicant responsible for compliance with the erosion control plan.

**Special Condition 9** requires the applicant to submit a Water Quality Protection Plan (WQPP). The applicant must submit the WQPP for the review and approval of the Executive Director prior to the issuance of the coastal development permit. The condition requires the approved development to maintain approximate pre-development levels of average runoff volumes and peak runoff rates and total suspended solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings. The condition requires the WQPP to include BMPs, which minimize the creation of impervious surfaces, treat and maintain roads and parking lots, and employ native and drought-tolerant landscaping. **Special Condition 9** requires the applicant to submit a water quality monitoring plan (WQMP) to the Executive Director for review and approval prior to the issuance of the coastal development permit. The WQMP will evaluate the effectiveness of the WQPP to protect the quality of surface and groundwater at the project site. The condition requires the WQMP to provide for sampling of the detention pond and other groundwater and surface water locations to measure levels of all identified potential pollutants including, but not necessarily limited to, the following: heavy metals, pesticides, herbicides, suspended solids, nutrients, oil, and grease. Any measured pollutants which exceed the water quality standards in the WQMP must be remedied. **Special Condition 9** further requires the inspection and maintenance of the BMPs and the submittal of an annual inspection report for three years following the completion of construction by the property owner and/or homeowners' association.

**Special Condition 9** also requires as part of the WQPP, prior to the issuance of the coastal development permit, that the applicant provide a plan for the design, construction, maintenance, and monitoring of the proposed detention pond. The pond must treat all of the runoff from the development site generated from up to and including the 1.2-inch, 24-hour rainfall event, as proposed. The detention pond must improve water quality of stormwater and agricultural runoff by removing fine sediments, phosphorous, and nitrogen. Under **Special Condition 9**, the applicants must provide for long-term regular maintenance of the detention basin.

As conditioned, the proposed project conforms with the LCP policies requiring the maintenance of the biological productivity and quality of coastal waters, the assurance of site stability and development that neither creates nor contributes significantly to erosion, and the use of retention basins, grading, revegetation, and drainage improvements to prevent destabilization on the coastal bluffs.

#### **4.3.4 Conclusion**

The applicants propose to treat stormwater and agricultural runoff from onsite sources with a stormdrain conveyance system throughout the project area. The treatment of this runoff is proposed to take place in a 7.7-acre detention pond in the Western portion of the project area. Stormwater and agricultural runoff conveyed in the existing drainage ditch on the project site will be redirected to the restored wetland in the Central Area. So that the proposed detention pond will improve water quality, the Commission requires the applicants to comply with **Special Conditions 6, 7, 8, and 9** to ensure that the project protects water quality to the maximum extent possible. As conditioned, the project is designed to reduce the amount of water and pollutants available to enter the stormdrain system. The required erosion control and grading plans prevent impacts to water quality during construction. The detention pond as conditioned provides water quality benefits for the life of the development. Conditions requiring regular maintenance and monitoring assure the highest level of stormwater treatment.

As conditioned to provide grading and stormwater pollution prevention plans, erosion control, a functional detention pond, and water quality monitoring, the Commission finds that the project conforms with the LCP policies protecting water quality.

#### **4.4 Public Access and Recreation**

##### **4.4.1 Issue Summary**

The proposed development site is located between the first public road and the sea and is directly adjacent to a publicly-owned sandy beach. The development includes 225 residential units, a 1,150-student middle school, a Boys and Girls Club, commercial and retail facilities, community ball fields, and road improvements. Such development would place significant increased demands on public access and recreation in the Wavecrest PDD, particularly on public beach access in the project vicinity. Although informal beach paths to the beach are evident on the blufftop seaward of the project site, opportunities for improved access to the beach are severely constrained in the project area due to high, unstable bluffs.

Both the Coastal Act and the LCP require access to be provided to and along the shoreline as a condition of development of the project site. In particular, Coastal Act Section 30212 requires that public access from the nearest public road to the shoreline and along the coast shall be provided in new development projects, and LUP Policy 9.3.6(g) requires that as a part of any new development in the Wavecrest PDD, vertical accessways shall be constructed to the beach from the bluff affording access to the beach near the end of designated beach access routes. The LCP further specifies that at least two vertical accessways shall be provided to the beach as a part of the development of the Wavecrest PDD, with a possible third vertical beach access if feasible. In addition, Section 30252 of the Coastal Act requires new development to assure that the recreational needs of new residents shall not overload nearby recreational access.

The applicants propose to dedicate and improve a system of public access easements to provide lateral access through the development site as a portion of the City's Coastside Trail. The applicants also propose to construct a vertical accessway to the beach near the end of Redondo Beach Road that would include a stairway and/or ramp to the beach. As conditioned, the improvement of Redondo Beach Road, the vertical access from the end of Redondo Beach Road to the beach and the creation of adequately-sized formal parking lots will offset the increased use

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

of lateral and vertical accessways. As conditioned, the Commission finds the proposed development in conformity with the public access and public recreation policies of the LCP and the Coastal Act.

#### **4.4.2 LCP and Coastal Act Standards**

The 207.5-acre Wavecrest Village Project area is located between the first public road (Highway 1) and the ocean. Pursuant to Coastal Act Policy 30604, because the project site is located between the first public road and the ocean, the project is subject to both the public access and recreation policies of the Coastal Act in addition to the City's certified LCP.

LUP/Coastal Act Policy 30210 requires posted public access and recreational opportunities to the maximum extent feasible, consistent with public safety, and the need to protect public and private property owner rights and natural resource areas from overuse.

LUP/Coastal Act Policy 30211 requires that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

LUP/Coastal Act Policy 30212 requires new development to provide public access from the nearest public roadway to the shoreline and along the coast unless inconsistent with public safety or the protection of fragile coastal resources, or where adequate access exists nearby.

LUP/Coastal Act Policy 30252 states that the location and amount of new development should assure that the recreational needs of new residents will not overload nearby coastal recreation areas. This is accomplished by correlating the amount of development with the provision of on-site recreational facilities to serve the new development. The policy also states that new development should maintain and enhance public access to the coast by providing adequate parking facilities or the ability to circulate using public transportation.

LUP Policy 2-2 requires all new development along the Shoreline Trail to grant lateral easements for continuous public access along the shoreline. The policy requires the easement to have a sufficient width for an adequate trail and to protect the privacy of residences, with the setback of lateral trails at least 10 feet from the edge of the bluff and the establishment of native vegetation between the trail and the edge of the blufftop.

LUP Policy 2-6 requires signs on vertical and lateral public accessways informing the public of the right to use the accessways and any specific uses or constraints on public access in the areas of the accessways.

LUP Policy 2-16 requires the designation, signing, and improvement of the western extension of Higgins Canyon (Higgins Purissima) Road, Redondo Beach Road, and one additional beach access route as may be called for in the Conservancy Plan, as beach access routes.

LUP Policy 2-17 requires that no parking facility south of Kelly Avenue shall be designed for more than 50 cars.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

LUP Policy 2-21 directs the State and County to construct paths or stairs to the beach from the extension of Main Street (Higgins Canyon Road) and to encourage new development in areas shown on the Access Improvements Map to construct paths or stairs to the beach.

LUP Policy 2-22 requires the connection of lateral blufftop trails with vertical trails to the beach at the end of Seymour Street, midway between Seymour Street and Redondo Beach Road (as determined by the Wavecrest Conservancy Project), and near the end of Redondo Beach Road. Policy 2-22 also requires the provision of a lateral blufftop trail to improve coastal access from Kelly Avenue to Miramontes Point Road.

LUP Policy 9.3.6(g) requires as part of any new development in the Wavecrest PDD the construction of vertical accessways from the bluff to the beach near the end of designated beach access routes. A third accessway to the beach may be required approximately equidistant between the two primary access routes.

LUP Policy 9.3.6(h) requires, as a part of any new development in the Wavecrest PDD, the improvement of the two designated beach access routes in the Wavecrest PDD, either along existing platted alignments or new alignments designed to afford equivalent access opportunities.

LUP Policy 9.3.6(k) states that new access to Highway 1 shall be limited, and one new access shall be located at the intersection of Highway 1 and Higgins-Purissima Road.

Subdivision Code Section 17.40.090 requires lateral easements specifically for subdivision applications along the shoreline.

Subdivision Code Section 17.40.095 requires the provision of vehicular access where indicated on the Access Improvements Map of the City Local Coastal Plan, the General Plan and any of its Elements, and any Specific Plan.

Zoning Code Section 18.40.030 requires new development to provide an offer to dedicate an easement for lateral, blufftop, vertical, trail, and recreational public access if the development is located on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts; if the development is located between the nearest public road and the sea; if the public has acquired the right of access through use or legislative authorization; or if the access is needed to mitigate the impacts of the development on public access. Exceptions to this code include, consistent with Coastal Act Policy 30212, areas where public access is inconsistent with public safety or the protection of fragile coastal resources, or where adequate access exists nearby.

Zoning Code Section 18.40.040 provides minimum requirements for imposing public access conditions. In particular, 18.40.040(B) states that a condition to require vertical public access as a condition of approval of a coastal development permit shall provide the public with the permanent right of access where designated by the LCP for future vertical access or where the local government has determined that vertical public access is needed. The code also requires the vertical access to extend from the road to the shoreline and have a minimum easement width of 10 feet, and limits its use to passive recreational use unless another use is specified.

Zoning Code Section 18.40.050 lists necessary findings for public access dedications proposed in projects or required as a condition of approval. These findings include a statement of the individual and cumulative burdens, the necessity for providing public access, a description of the legitimate government interest furthered by an access condition, and an explanation of how a

condition of access dedication alleviates identified access burdens and is reasonably related in nature and extent.

#### **4.4.3 Discussion**

##### ***Existing Conditions***

Wavecrest Road is currently the only existing street allowing vehicular access from Highway 1 westward into the project area. The only existing parking area in the proposed project area is at the end of Wavecrest Road at an informal dirt parking area at the existing ballfields, about 2,000 feet from the bluff edge. The parking lot serves users of the baseball fields, the model airplane landing strip southwest of the ballfields and outside of the proposed project area, and the coastal trails in the vicinity.

##### **Existing Informal Public Accessways in the North Wavecrest PDD**

The public currently has access to informal lateral and vertical trails and accessways throughout the project site and surrounding area. From within the Wavecrest PDD, the public can access a few north-south lateral trails in the area west of Wavecrest Road and along the blufftop. The unpaved dirt trails lie right at the bluff edge in some places. These established trails were formed by regular public use and provide popular year-round access for walkers, cyclists, and equestrians. No development is proposed on or near the blufftop within the project area.

North of Wavecrest Road, informal lateral trails run along the western edge of the existing ballfields and along the blufftop, outside of the project area. Immediately north of the project area, the 20-foot-long Seymour Bridge was constructed over the drainage ditch on property of San Mateo County. This bridge allows public access over the ditch and connects to informal trails leading to the Poplar State Beach parking lot, a vertical beach access path, and northward blufftop trails. In May 2001, the City of Half Moon Bay approved the construction of a 10-foot wide asphalt bike and pedestrian trail and a separated horse trail to formalize public use of the blufftop area between the Seymour Bridge and Poplar State Beach.

South of Wavecrest Road, existing lateral trails branch along the bluff and open space, eventually entering or crossing an arroyo outside the project area. The trails continue south out of the arroyo to various stretches of Redondo Beach Road. A few hundred feet south of Redondo Beach Road, the City has accepted an offer to dedicate an easement through the Ocean Colony subdivision, allowing the connection of lateral trails along the coast.

In the proposed project area, the coastal bluffs are approximately 60 feet in height. Access from the blufftop to the City-owned beach is difficult in this location due to the bluff height and steepness of the bluff face. In fact, geologic information identifies the bluff area between the Seymour Street right-of-way to the Main Street extension as a high risk hazard zone, with blocks of the bluff face actively falling onto the beach (Lajoie and Mathieson 1985).

Although formal vertical beach access does not currently exist in the project area, informal vertical access from the blufftop to the beach is present in other portions of the North Wavecrest PDD, which are not part of the project site. For instance, southwest of Wavecrest Road, west of the model airplane landing strip and outside of the project area, is a steep dirt path sloping through the vegetated 35-foot-tall bluff face to the beach. Access to the public beach through the arroyo several hundred feet south of Wavecrest Road is also possible but not easily accomplished on unimproved and precarious dirt trails.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

About a half-mile south of the project area but still within the North Wavecrest PDD, informal vertical trails exist at the end of Redondo Beach Road. The trails at this location run down the 80-foot-tall, steep, eroding bluff face to the beach. Visitors use an informal dirt area for parking at the end of the partially improved Redondo Beach Road. The parking area accommodates up to 70 cars during peak visitation periods, although at any given time 10 to 25 cars may be parked there (Hernandez 2000).

As discussed in greater detail below, because no development is proposed over either the blufftop area west of the residential subdivision in the northern area or the area south of Wavecrest Road, the proposed development does not interfere with the public's use of any existing informal trails in these areas on the site. To the extent that development proposed in the eastern portion of the site may interfere with the public's use of these informal trails or public access in these areas, the project incorporates equivalent public access in the form of streets and pathways in these areas.

#### **Existing Formal Public Access Facilities in the Wavecrest PDD**

Formal public beach access from the bluff at the end of Poplar Street outside of the Wavecrest PDD is maintained by the City approximately 1,000 feet north of the project area. The access consists of an unpaved gravel trail, about 10 feet wide, curving down the 40-foot-tall bluff to City-owned beach. About 47 paved parking spaces for public access are located adjacent to the trail to Poplar State Beach, with additional provisions for RVs and horse trailers. The lot is approximately 150 feet from the edge of the bluff. The previous informal parking area at this site was about 10 feet from the edge of the bluff. The beach is walkable as far south as the bluff south of Redondo Beach Road and as far north as the Half Moon Bay State Beaches on the north end of the City.

Another formal vertical public accessway exists at the end of Miramontes Point Road in the South Wavecrest PDD, about one mile south of the project area. A 15-space paved parking lot connects to a 1,000-foot-long paved trail through the Half Moon Bay Links Golf Course. The trail then reaches an overlook and stairway to the beach next to the outlet of Arroyo Cañada Verde. The stairway connects to a paved lateral blufftop trail running northward approximately 3,500 feet along the length of the golf course property. The 15-space parking lot, trail, and beach access stairway were built as part of the South Wavecrest Redevelopment Project, approved by the Commission in 1994.

As a condition of approval of the coastal development permit for the Ritz-Carlton Hotel at Miramontes Point in 1991, the Commission required the permittee to provide a minimum of 25 parking spaces for public use on the hotel premises. Currently, the 25 reserved spaces are located in the Ritz-Carlton Hotel parking structure at the end of Miramontes Point Road. Another condition of approval required the permittee to contribute a \$250,000 in-lieu fee to the Commission to pay for "the completion of offsite-public access improvements within the adjacent North and South Wavecrest Redevelopment areas, including trails, parking facilities, restrooms, and vertical accessways" (CCC 1991). In Spring, 2001, the Commission directed the City to use the fee to implement access improvements as prioritized in paragraph F of the *Memorandum of Understanding between the California Coastal Commission and the City of Half Moon Bay Regarding Expenditure of Mitigation Funds (Exhibit 21)*.

***Proposed project***

The applicants propose to dedicate and improve a system of lateral public access easements in the project area (**Exhibit 22**). Increased parking, improved streets at and west of Highway 1, and formalized lateral trails are proposed to accommodate future visitation to the Wavecrest PDD. The proposed development will not interfere with the public's use of existing, informal trails in the Western Area or the area south of Wavecrest Road. To the extent that development proposed in the eastern portion of the project site may affect existing, informal trails, the project incorporates equivalent public access in the form of streets and pathways.

**Proposed Road Improvements**

As part of the project, the applicants propose to construct a new westward public road extending from Highway 1 and Main Street. The proposed Main Street extension, referred to as Smith Parkway, generally would consist of two separated 800-foot-long, 14-foot-wide travel lanes that would end at the proposed Street C. An approximately eight-foot-wide public walkway is proposed on the north side of Smith Parkway, and a 15-foot-wide sidewalk is proposed on the south side of the proposed street, next to 38 diagonal parking spaces and a bus stop. The proposed Smith Parkway is consistent with the requirement of LUP Policy 9.3.6(k) to provide new public access in the Wavecrest PDD at the intersection of Highway 1 and Higgins-Purissima Road. (Higgins-Purissima Road meets Main Street at Highway 1.)

The applicants also propose to improve Wavecrest Road from its existing condition as a partially-paved roadway with a 40-foot-wide right-of-way to a two-way road with five-foot-wide sidewalks, nine-foot-wide parallel parking, and landscaping on both sides of the road. As proposed, Wavecrest Road would have a 70-foot-wide right-of-way that includes two 14-foot-wide travel lanes with Class III bicycle routes. The applicants are not proposing to lengthen the 2,630-foot-long Wavecrest Road. The applicants propose to construct a 225-space parking lot at the end of Wavecrest Road. At the end of Wavecrest Road, the applicants propose 225 public parking spaces in a new lot south of the proposed ballfields. Fifteen of these public spaces are proposed for dedication as signed public access parking. In addition, the applicants propose parallel parking along the remainder of Wavecrest Road from Highway 1 to the proposed parking lot. The parallel parking would provide about 180 spaces. Together, the parallel parking on Wavecrest Road and the parking lot would provide a total of 380 spaces.

All of the proposed streets in the project area would include Class III bicycle routes. Class III bicycle routes lie within motor vehicle travel lanes, have neither pavement markings nor lane stripes, and are identified only by signs along the road. The proposed project does not include provisions for equestrian use of the project area, given that existing equestrian use in the area occurs mainly on the City-owned beach west of the project area and is infrequent on the blufftop trails south of Poplar Street (Jespersen 1999).

**Proposed Lateral Public Accessways**

The applicants propose to construct lateral trails to connect the blufftop open space areas to the proposed development and to provide for the Coastside Trail in the project area, providing 7,200 feet of public trails with 15-foot-wide easements in the project area. The trails would consist of compacted natural material and would be constructed for use by pedestrians and cyclists prior to the occupancy or use of any structures or other approved development. The trails are proposed to be set back 50 to 100 feet from the bluff edge, consistent with LUP Policy 2-2 and Zoning Code Section 18.38.070, which require lateral trail setbacks of at least 10 feet from the edge of the



## **A-1-HMB-99-051**

### **Wavecrest Village Project**

bluff. The proposed trails are consistent with LUP Policy 2-22, which requires the improvement of lateral coastal access from Kelly Avenue to Miramontes Point Road. The proposed trails are also consistent with Zoning Code Section 18.38.070 which requires an improved bluff edge trail between the Seymour Street right-of-way and Redondo Beach Road.

The applicants plan to dedicate all of the proposed public accessways in the non-residential areas as public access easements to the City of Half Moon Bay. In the residential subdivisions, the applicants propose to construct the paths and sidewalks, dedicate these accessways to the City, and surrender the maintenance responsibilities to the subdivisions' homeowners' associations.

#### **Adequacy of Proposed Lateral Access**

Zoning Code Section 18.40.030 requires new development to provide an offer to dedicate a public access easement or other legal mechanism to provide lateral, blufftop, vertical, trail, and/or recreational public access if (1) the development is located between the first public road and the sea; (2) the LCP has identified the location for public access; and (3) access is needed to mitigate the impacts of development on public access. The proposed project includes the construction of 279 residential units. Assuming there are at least three people occupying each of these residences, the proposed development will result in an increased burden of at least 813 people on existing access and recreation facilities. In addition, the project site is located between the first public road and the sea and the LCP has identified the project site for public access. Therefore, the proposed project meets all of the criteria contained in Section 18.40.030 and must conform with Zoning Code Section 18.40.030. The Commission finds the proposed lateral access dedications are consistent with Zoning Code Section 18.40.030 because they provide 7,200 feet of public trails, thereby connecting the blufftop open space areas and providing for the Coastside Trail in the project area.

The dedications are also consistent with Policy 2-2 of the LUP, which requires that new developments grant lateral easements for public access along the shoreline, as proposed by the Shoreline Trail alignment on the Access Improvement Map. The dedications are also consistent with the requirement of Zoning Code Section 17.40.090 for subdivision development located along the shoreline to dedicate lateral easements. Therefore, the proposed lateral dedications are consistent with the provisions of the certified LCP.

#### **Proposed Vertical Public Accessways**

The applicants propose to construct a vertical accessway from the top of the bluff to the public shoreline at the end of Redondo Beach Road. Applicants no longer propose to improve the existing path at Poplar State Beach, which lies outside the Wavecrest PDD, by the construction of a stairway.

#### ***Issues Raised by the Proposed Vertical Access***

The applicants propose:

- 225 single family residential units;
- 54 affordable housing units;
- a middle school with the capacity for 1,150 students;
- a Boys and Girls Club for after-school and weekend uses;
- over 26 acres of sports fields and courts for public use (including a track, football field, six ballfields, four volleyball courts, four tennis courts, and 12 basketball courts);

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

- over 60 acres of open space and trails for passive recreation;
- 20 acres of mixed-use commercial and residential buildings and parking;
- two improved access roads from Highway 1 into the PDD; and
- traffic improvements on Highway 1 at Smith Parkway (the Main Street extension) and Wavecrest Road.

#### **Increased Demand for Public Access and Recreation Opportunities**

The development of the Wavecrest Village Project will increase public use of the area. The beauty and convenience of its location, on a scenic coastal bluff and along the main corridors through the City (Highway 1 and Main Street), make it a desirable destination for residents and local and out-of-area visitors. As the proposed development formalizes and encourages outdoor activity, the development will draw more visitors than under current conditions. The development will also produce an increase in permanent regular users of the area by the creation of the 279 residential units and the Middle School. Assuming there are at least three people occupying each of these 279 homes, the proposed development will result in an increased burden of at least 837 people on existing access and recreational facilities. The development will therefore intensify the use of the project area and the Wavecrest PDD. This significant increase in use impacts the ability of the project area to accommodate public shoreline access and recreational needs. Specifically, the increased demand for beach access and recreational opportunities generated by the proposed development will increase the use of existing informal vertical accessways in the Wavecrest PDD, adversely affecting coastal resources. This significant adverse impact must be mitigated by the provision of vertical access. In addition, the existence of informal beach access trails created by frequent public use around the Wavecrest Village Project area indicates that adequate formal access from the bluff to the beach does not exist in the Wavecrest PDD for the current level of use. The informal trails are located on steep bluff faces 40 feet in height or taller. Continued use of these unplanned trails may potentially destroy coastal vegetation such as the California wild strawberry, identified in the LCP as a unique species found on bluffs in the Wavecrest PDD. Access to the beach using these trails also contributes to bluff erosion and presents a public safety hazard. The development proposed under the Wavecrest Village Project will increase the use of informal beach access trails and accelerate the deterioration of these trails. Given that the proposed development will cause significant adverse impacts to coastal resources, the project must provide formal vertical access from the bluff to the shoreline consistent with public safety and the protection of fragile coastal resources.

#### **Proposed Vertical Access Improvements at the End of Redondo Beach Road Meet LCP and Coastal Act Requirements**

The applicants propose to fulfill the LCP requirement to provide vertical access from the bluffs to the beach by constructing a stairway at the end of Redondo Beach Road. The applicants no longer propose to improve the Poplar State Beach accessway, which is already an established public access point, as part of the project. As conditioned, the Commission finds that provision of this vertical beach access is sufficient to meet LCP and Coastal Act requirements for the provision of vertical access.

#### **LCP and Coastal Act Requirements for Vertical Access in the Wavecrest PDD**

LUP Policy 9.3.6(g) requires as part of any new development that vertical accessways shall be constructed to the beach from the bluff near the end of designated beach routes in the Wavecrest

PDD, with a potential third accessway to the beach approximately equidistant between the two primary access routes in the PDD. According to LUP Policy 2-16, the Access Improvements Overlay Map, and the Wavecrest Restoration Plan in the LUP, the designated primary beach access routes in the PDD are the extension of Main Street (veering northward and ending at the Seymour Street right-of-way) and Redondo Beach Road (**Exhibits 24 and 17**). These are also the two designated beach access routes referenced in LUP Policy 9.3.6(h), which requires, as a part of any new development in the Wavecrest PDD, the improvement of the two routes along the alignments shown on the Overlay Map and Restoration Plan or along new alignments designed to afford equivalent access opportunities. The designated beach route depicted by the Smith Parkway/Main Street extension ends at the bluffs in the project area. As discussed above, the bluffs in the project area have resource and safety constraints that deter construction of a vertical accessway from this location. A potential accessway south of the proposed project's blufftop area in the approximate equidistant region between the Seymour Street right-of-way and Redondo Beach Road is located outside of the project area where the applicants do not have a legal interest to propose the vertical accessway. The proposed improvement of Wavecrest Road, despite its provision of parking for public access purposes, does not provide parking associated with a vertical beach accessway.

#### **Vertical Beach Access at Redondo Beach Road**

The vicinity of the end of Redondo Beach Road, however, presents the only feasible location for the applicant to provide vertical access within the PDD and in proximity to the proposed development. Redondo Beach Road is a partially improved City street, currently used by the public to access a dirt parking area at the end of the road and informal trails along the blufftop and to the beach. It is one of the primary beach access routes with a vertical accessway to the beach contemplated by the LCP. No stairways or formal accessways to the beach exist at this location. Instead, informal trails immediately west of the dirt parking area are on steep and eroding bluffs, posing a danger to public safety. As an alternative to using these hazardous trails, some people apparently enter the arroyo approximately 1,000 feet north of the parking area and walk down the slopes approximately 300 feet to the beach. Since the City and County own paper streets and parcels between Redondo Beach Road and the arroyo in the area of the westernmost dirt trail, it is possible that a trail leading to the arroyo could be located on mostly public property, with the exception of the one landowner that owns the parcel adjacent to the arroyo. Given that the implementation of public access is feasible on public property, and that the vertical access appears to be most desirable through the arroyo, the applicants can provide access to the beach from Redondo Beach Road at this location (**Exhibit 25**). However, since a trail and vertical accessway through the arroyo will be subject to an agreement with the private landowner to allow such improvements on the portion of the trail that would be located on private property, the applicants may also provide alternative routes to the beach from Redondo Beach Road.

The Commission therefore imposes **Special Condition 10**, addressing the applicants' construction of public vertical accessway improvements from the end of Redondo Beach Road to the beach. **Special Condition 10** requires that the applicants must construct a stairway, ramp or combination of stairs and ramps to the beach at this location and provide public beach access signage at the intersection of Redondo Beach Road and Highway 1. Because the construction of a stairway at this location presents significant planning questions, including geologic stability and potential impacts to sensitive habitats, **Special Condition 10** requires the applicants to obtain a coastal development permit amendment for, as well as construct or fund, the stairway

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

prior to commencement of construction of any residential unit authorized by A-1-HMB-99-051. Prior to issuance of this Coastal Development Permit, the condition requires the applicants to submit a complete coastal development permit application for the proposed vertical access improvement, including an analysis of siting the vertical accessway through the arroyo generally depicted in **Exhibit 25**. As conditioned, the subject coastal development permit will not issue unless and until the applicants ensure development of vertical access improvements consistent with the requirements of this coastal development permit .

The requirements of **Special Condition 10** represent the most easily implemented and likely the least expensive option for vertical beach access in the Wavecrest PDD. The public access improvements imposed by the condition provide resource benefits that would otherwise not be realized. For instance, the provision of an improved vertical accessway would discourage the public from trampling vegetation, thereby protecting blufftop habitat. The stairway or ramp would also reduce erosion of the bluff and would allow a safe way for the public to access the beach. The vertical access improvements would provide a new, formal access point to meet the demand for public access and recreation in the Wavecrest PDD resulting from the proposed development.

As conditioned, the proposed development would provide public access from the nearest public roadway to the shoreline and along the coast, consistent with LUP/Coastal Act Policy 30212. Otherwise state development will not interfere with any potential prescriptive rights that may exist over informal vertical trails. The construction of a vertical accessway at this location is also consistent with LUP Policy 2-16, which provides for the designation, signage, and improvement of Redondo Beach Road as a beach access route and with Zoning Code Section 17.40.095, which requires vehicular access to coastal resources to be provided where indicated on the Access Improvements Map of the City Local Coastal Plan. As conditioned, the project conforms with the requirement of LUP Policy 2-21 directing the State and County to encourage the construction of paths or stairs to the beach as shown on the Access Improvements Map. Furthermore, as conditioned, the project is consistent with LUP/Coastal Act Policy 30252 requiring the locations and amount of new development to assure that recreational needs of new residents will not overload nearby coastal recreation areas.

Although the applicants propose to dedicate and construct public access trails in the Wavecrest PDD, the applicants must guarantee that these public access mechanisms will be in place before public access use is increased in the project area. In order for the proposed project to guarantee public access benefits and avoid adverse impacts to public access and other coastal resources in the project area and Wavecrest PDD, the Commission imposes special conditions for the dedication and construction of all the trails and accessways in a timely manner, prior to issuance of this coastal development permit or prior to commencement of construction of any of the residences, and for the posting of public access signage along lateral and vertical accessways. **Special Condition 12** requires that the applicants submit, for review and approval of the Executive Director, written evidence that a public access easement has been dedicated to the City for the coastside trail, and that the applicants construct a 10-foot wide, all weather surface pathway and open it to the public.

### **The Project Will Not Interfere with Existing, Informal Public Access on the Project Site**

Where there is substantial evidence of the existence of a public access right acquired through use, and a proposed development would interfere with that right, the Commission may deny a

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

permit application under Public Resources Code section 30211. As an alternative to denial, the Commission may condition its approval on the development being modified or relocated in order to preclude the interference or adverse effect. This is because the Commission has no power to extinguish existing public rights, even though it may authorize development which affects the exercise of those rights.

A full assessment of the degree to which the criteria for implied dedication has been met in this case could only be made after a more intensive investigation of the public use of the affected areas has been performed. In this case, the applicant's improvement and dedication of public access trails and other amenities could serve to protect any existing public access rights which would be eliminated by the proposed development. Section 30214 of the Coastal Act directs the Commission to implement the public access policies of the Act in a manner which balance various public and private needs. This section applies to all the public access policies, including those dealing with rights acquired through use. Therefore, the Commission must determine the extent to which the proposed public access improvements are equivalent in time, place, and manner to the public use that has been made of the site in the past. If the Commission determines that the proposed access is in fact, equivalent in time, place, and manner to the access use made of the site in the past, the Commission need not do an exhaustive evaluation to determine if substantial evidence of an implied dedication exists because regardless of the outcome of the investigation, the Commission could find the project consistent with Section 30211. If an investigation indicated substantial evidence of an implied dedication exists, the proposed project would not interfere with such public rights because it proposed access that is equivalent in time, place, and manner to the access previously provided in the areas subject to the implied dedication. If an investigation indicated that substantial evidence of an implied dedication was lacking, the Commission could find that with or without the proposed public access proposed by the applicant, the project would not interfere with the public's right of access where acquired through use and would be consistent with Section 30211.

As proposed, the project involves no development over either the blufftop area west of the residential subdivision in the northern area or the area south of Wavecrest Road. As a result, the proposed development does not interfere with the public's use of informal trails in these areas on the site. Development proposed in the eastern portion of the site could affect the public's use of informal trails which cross the area to be developed. However, the project also incorporates public access along Wavecrest Road, the extension of Mainstreet to the residential subdivision and the streets, sidewalks, and pathways running through the proposed development. In addition, the applicants propose to construct a new vertical beach accessway at the end of Redondo Beach Road. These provisions for public access offer the functional equivalent of any informal trails in the eastern portion of the site which will be affected by development because they will provide full public access across the project site to and along the blufftop and improve public access to the beach. Thus, the Commission finds that the public access proposed by the applicant is equivalent in time, place, and manner, to the access use that appears to have been made of the project area in the past. Therefore, although there is an unresolved controversy as to the existence of public prescriptive rights, the applicant's proposed improvement and dedication of public access trails and other amenities to the City of Half Moon Bay protects the rights of the public, and the Commission finds that the proposed project is consistent with Section 30211 of the Coastal Act.

## A-1-HMB-99-051

### Wavecrest Village Project

#### **Public Parking**

The applicants propose a 225-space parking lot at the western end of Wavecrest Road. The lot would provide 15 parking spaces specifically designated for public access of the lateral trails in the project area. The remainder of spaces would be devoted to public use of the sports facilities.

The LUP notes that the "lack of adequate parking facilities is the major limiting constraint on shoreline access and use of the beach in the City." The LUP further states:

*...the scale of parking must be related to appropriate levels of recreational use along the shoreline and potential conflicts with existing residential neighborhoods. New, improved, and expanded facilities are proposed to be distributed along the entire shoreline in accordance with desirable levels of recreational area use.*

However, as stated in the LUP, consideration must be given to the level of recreational use of an area. To support this, the City Zoning Code contains provisions for determining the number of off-street parking spaces for park or recreational use. Zoning Code Section 18.36.120 refers to Table A of Zoning Code Chapter 18-36 to establish one parking space for every 8,000 square feet of active recreation area within a park or playground, and one space per acre of passive recreation area within a park or playground.

The applicants propose 13.25 acres of turf and 3.15 acres of paved area in the sportsfields, including tennis, volleyball, and basketball courts, a running track, and ballfields, for a total of 16.4 acres of active recreation area in the middle school area. In addition, the sportsfields west of the middle school area offer 9.84 acres for baseball and softball. The total acreage of the active recreation area is 26.24 acres, or 1,143,014 square feet. As proposed, the project conforms with LUP Policy 9.3.6(d), requiring the development of at least 15 acres of community recreation in the wavecrest PDD.

According to the zoning requirement, 143 off-street spaces must be provided for the courts and sportsfields. The applicants must also provide adequate public access parking for the approximately 82 acres of open space proposed in the project for passive recreation, even though the area is not located within a park or playground. Since Zoning Code 18.36.080 allows the off-street parking requirements listed in Table A to apply to similar uses, one space per acre of passive recreation as listed in 18.36.120 and Table A results in the need to provide 82 additional spaces exclusively for public passive recreational purposes. These public parking spaces could be provided at the proposed parking lot at the end of Wavecrest Road. The total number of parking spaces would be 225: 143 spaces to accommodate the sportsfields, and 82 spaces for users of the open space recreation areas. To conform with the Zoning Code requirements for parking, **Special Condition 11** requires the applicants to submit for the review and approval of the Executive Director a public parking plan providing a minimum of 225 public parking spaces at the end of Wavecrest Road and/or other areas within the project site to serve the active and passive recreation or access of the project site. The parking areas shall also include signage to inform the public of the right to use the spaces for access and recreation purposes. Therefore, as conditioned, the proposed project conforms to the public access and recreation policies of the Coastal Act and LCP.

#### **4.4.4 Conclusion**

Section 30252 of the Coastal Act requires new development to assure that the recreational needs of new residents shall not overload nearby recreational access. LUP Section 2.2 acknowledges

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

the need for careful consideration of the needs of the local community in light of increasing demands for coastal access and recreational opportunities by visiting populations. The LUP reinforces the importance of both providing access and recreation opportunities in the City and distributing visitation along the coast to protect natural resources.

The applicants propose to dedicate and improve a system of lateral public access easements in the project area (**Exhibit 22**). Increased parking, improved streets at and west of Highway 1, and formalized lateral trails are proposed to accommodate future visitation to the Wavecrest PDD. However, vertical public access improvements from Redondo Beach Road are necessary to prevent disturbance to vegetation on the bluff top and face. Formal vertical access improvements will curb uncontrolled access down the bluff face and into the arroyos of the Wavecrest PDD, thereby reducing bluff erosion, decreasing the occurrence of hazardous conditions, and protecting public safety. In addition, the increased demand for beach access and recreational opportunities generated by the proposed development will increase the use of existing informal, vertical accessways in the Wavecrest PDD, adversely affecting coastal resources. This significant adverse impact must be mitigated by the provision of vertical access. As conditioned, the improvement of Redondo Beach Road, the vertical access from the end of Redondo Beach Road to the beach and the creation of adequately-sized formal parking lots will offset the increased use of lateral and vertical accessways. The Commission therefore finds that as conditioned the development will conform with the public access policies of the Coastal Act and the LCP.

## **4.5 Visual Resources**

### **4.5.1 LCP Standards**

The LCP contains policies that require the protection of the City's visual resources. The LUP chapter on visual resources states:

*Where development is appropriate, guidelines are required to protect the scenic quality of access routes to the beach, maintain the sense of openness characteristic of the City, preserve broad views of the ocean, and maintain a scenic corridor along Highway 1. The scenic quality of access routes to the beach should also be maintained and enhanced.*

The City's LUP Policy 1-1 states:

*The City shall adopt those policies of the Coastal Act (Coastal Act Sections 30210 through 30264) cited herein, as the guiding policies of the Land Use Plan.*

Therefore, the City incorporates the Coastal Act policies as policies of the LCP.

Coastal Act Policy 30251 requires that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. The policy requires development to be sited and designed to protect public views to and along the ocean and scenic coastal areas and be visually compatible with the character of surrounding areas.

Chapter 9 of the LCP states that the purpose of the Planned Development District designation is to ensure that new development is consistent with policies protecting coastal resources. Like Coastal Act Policy 30251, LUP Policy 9-9 acknowledges the importance and value of the scenic and visual qualities of coastal areas and requires the protection of this sensitive coastal resource.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

LUP Policy 9-9 requires development in Planned Development designated areas to use flexible design concepts such as unit clustering and multiple dwelling types to protect the scenic quality of the site.

LUP Policy 9.3.6(m), specific to the Wavecrest PDD, requires that development be clustered to the maximum extent feasible.

LUP Policy 9.3.6(n) requires maximum consideration to be given to preserving the cypress and eucalyptus hedgerows at the west end of the L.C. Smith property in the northwestern portion of the project area.

Zoning Code Section 18.37.020 defines scenic corridors to include the Highway 1 corridor and scenic coastal access routes. The code also identifies Wavecrest Road as a secondary access route from Highway 1 to a minor parking facility for public access purposes.

Zoning Code Section 18.37.030 requires the protection and enhancement of public views within and from scenic corridors by requiring the design and siting of structures in the least publicly visible locations. The design and placement of structures must also be an appropriate distance from the Highway 1 right-of-way and scenic beach access routes, compatible with the environment, maintain natural features such as mature trees, and have low height above natural grade and/or not obstruct public views. Section 18.37.030 prohibits vegetation removal within roadway rights-of-way, allows compatible landscaping in scenic corridors to enhance the visual quality of scenic corridors, and encourages the use of natural vegetation and low earth berms for screening, and permits clearing of vegetation to enhance the scenic quality of scenic corridors. The code also contains requirements for suitable landscaping and screening.

Zoning Code Section 18.37.050 lists landscape design standards for developments. It requires existing trees to be preserved where possible and the use of compatible and adaptable landscape vegetation. The code also contains guidelines for tree planting.

## **4.5.2 Discussion**

### ***Scenic Qualities of Site***

The coast and scenery of Half Moon Bay attract residents and visitors alike. The combination of open space, small-town amenities, and proximity to the highly urbanized San Francisco Bay Area are uniquely characteristic of San Mateo County coastal cities. The LCP seeks to preserve these qualities in the City by imposing policies to protect its scenic resources from the impacts of development.

The Wavecrest Village Project area is located about 1 mile south of downtown Half Moon Bay and about 1.5 miles north of the boundary between the City and an unincorporated portion of San Mateo County. Main Street runs roughly parallel to and east of Highway 1, beginning at the intersection of Highway 1 north of Highway 92. Main Street ends at the intersection of Highway 1 and Purissima Road, directly across the Highway from the project area. The applicants propose to extend Main Street approximately 800 feet westward into the project area.

The viewshed in the Wavecrest Village Project area includes westward views of the coast and horizon, coastal bluff terrace, and eucalyptus, Monterey cypress, and other notable tree stands. The project area gradually slopes over a distance of about 4,000 feet, from approximately 81 to 85 feet in elevation above mean sea level (MSL) near the Highway 1 right-of-way down to



## **A-1-HMB-99-051**

### **Wavecrest Village Project**

around 65 to 70 feet MSL at the top of the coastal bluffs. Approximately 2,100 linear feet of the project area abuts the Highway.

Currently, views of the ocean across the project site are constrained by tree stands and existing development. However, the sea is visible from Highway 1 looking west and slightly north in the area of the Highway 1/Main Street intersection. The applicants propose to preserve this view by dedicating a wedge-shaped scenic easement over this portion of the project site (**Exhibit 33**). The proposed scenic corridor would be 90 feet wide at the intersection of Highway 1 and the proposed Main Street extension, broadening to about 200 feet at the western end of the Main Street extension. As conditioned, the scenic corridor would maintain visual access to the coast from Highway 1 and from the Main Street extension. Consistent with the applicants' proposal, **Special Condition 14** specifies that prior to issuance of the permit, the applicants must submit evidence that an irrevocable offer to dedicate a Scenic Corridor Easement has been executed and recorded in perpetuity over the proposed scenic corridor.

The applicants also propose to preserve the scenic qualities of the site by maintaining existing tree stands in the northern area of the project site, limiting the height of the development proposed closest to the highway, eliminating a sound wall from the plans as approved by the City, and preserving approximately 43 percent of the project site as open space.

The Commission finds that, as conditioned, the proposed development protects the scenic quality of the Wavecrest Village PDD, consistent with LUP Policies 9-9 and 9.2.6(m), Zoning Code Section 18.37.030, and Coastal Act Policy 30251.

## **4.6 Regional Cumulative Traffic Impacts**

### **4.6.1 Regional Transportation Setting**

Road access to the Mid-Coast region of San Mateo County including the City of Half Moon Bay is limited to Highways 1 and 92. Studies show that the current volume of traffic on these highways exceeds their capacity and that even with substantial investment in transit and highway improvements, congestion will only get worse in the future. As a result, the level of service on the highways at numerous bottleneck sections is currently and will in the future continue to be rated as LOS F (Dowling Associates, 1998; Caltrans, 1999). LOS F is defined as heavily congested flow with traffic demand exceeding capacity resulting in stopped traffic and long delays. This level of service rating system is used to describe the operation of both transportation corridors as well as specific intersections. LOS F conditions are currently experienced at certain intersections and at bottleneck sections of both highways during both the weekday PM peak-hour commuter period and during the weekend mid-day peak period (Wilson Engineering, 1998; Brady/LSA, 1999). The LCP contains policies that protect the public's ability to access the coast. Lack of available services is specified in the LCP as grounds for denial of the project or reduction in the maximum potential allowable density. The extreme traffic congestion on Highways 1 and 92 significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal resources in conflict with these policies.

The key reasons for this problem are that capacity increases to the highways are constrained both legally and physically and because there is a significant imbalance between housing supply and jobs throughout the region. Without any new subdivisions, there are approximately 2,500

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

existing undeveloped small lots within the City. Each of these lots could potentially be developed with at least one single-family residence. Even with the City's Measure A, 3-percent residential growth restriction in place, this buildout level could be reached by 2010. If the Measure D one percent growth restriction approved by Half Moon Bay voters in November 1999 is implemented through an amendment to the LCP, the rate of buildout would be slowed, but neither of these growth rate restrictions change the ultimate buildout level allowed.

The Local Coastal Programs of Half Moon Bay and San Mateo County predict substantial future residential growth in both jurisdictions, thus contributing to additional congestion on the highways. For instance, the Half Moon Bay LCP predicts that additional housing units in Half Moon Bay will increase over the next twenty years by 100 percent or more (an increase of 4,495 or more units in comparison to the 3,496 units existing in 1992). According to regional predictions contained in the San Mateo County Countywide Transportation Plan Alternatives Report, even with maximum investment in the transportation system, traffic volumes on both highways are predicted to be far in excess of capacity, if residential and commercial development proceeds as projected.

The County's Congestion Management Plan (CMP) concludes that a major factor contributing to existing and future traffic congestion throughout the County is the imbalance between the job supply and housing (CCAG 1998). In most areas of the County, the problem is caused by a shortage of housing near the job centers, resulting in workers commuting long distances from outside the County. In these areas, the CMP recommends general plan and zoning changes designed to increase the housing supply near the job centers of the County. In accordance with the projections contained in the CMP, buildout of the currently existing lots within the City of Half Moon Bay would exceed the needed housing supply for the area by approximately 2,200 units, contributing to significantly worse congestion on the area's highways. Simply put, the capacity of the regional transportation network cannot feasibly be increased to the level necessary to meet the demand created by the development currently allowable under the City and the County land use plans.

Approximately 2,529 vacant residential lots already exist within the City of Half Moon Bay. Approval of the creation of additional residential lots through new subdivisions would only contribute to a long-term worsening of traffic congestion and a consequent limitation on the ability of the general public to reach area beaches and shoreline for priority visitor-serving and recreational purposes. Thus, any new subdivision that would result in an increase in residential lots is inconsistent with the City of Half Moon Bay LCP transportation, access and public services policies. As such, proposals to create new residential lots in Half Moon Bay must be denied.

The current traffic volumes on the two highways that serve the San Mateo County Mid-Coast region already exceed roadway capacity. The resulting traffic congestion significantly interferes with the public's ability to access the coast. Further exacerbating this problem are the facts that (1) the capacity of Highway's 1 and 92 cannot feasibly be increased to meet even current demand, and (2) that buildout of the existing supply of developable lots in the region allowable under the City and County LCPs is expected to greatly increase traffic volumes on these highways over the next 10 years.

The most recent Countywide Transportation Plan predicts far greater congestion on these two corridors by 2010, stating "in 2010 the most congested corridor [in San Mateo County] will be

## A-1-HMB-99-051

### Wavecrest Village Project

Western 92” (C/CAG 2000). This report projects increases in the traffic volumes of 197- and 218-percent on Highways 1 and 92 respectively in the Mid-Coast region, and attributes these increases to “the anticipated levels of new development on the Coastsides and the continued pattern of Coastsiders commuting to jobs in San Francisco and on the Bayside.” This latest report serves to corroborate and underscore the findings of all of the previous traffic studies conducted in the region over the past three decades that Highways 1 and 92 in the Mid-Coast Region are not adequate to serve either the current or the expected future demands of development.

The Half Moon Bay LCP specifies that new development shall not be permitted in the absence of adequate infrastructure including roads. LUP Policy 9-2 states in relevant part:

***No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities... [Emphasis added.]***

LUP Policy 9-4 states in relevant part:

***Prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services and resources are available to serve the proposed development... Lack of available services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan. [Emphasis added.]***

LUP Policy 10-4 states:

***The City shall reserve public works capacity for land uses given priority by the Plan, in order to assure that all available public works capacity is not consumed by other development and control the rate of new development permitted in the City to avoid overloading of public works and services.***

The LCP also adopts Coastal Act Section 30252 as a guiding policy, which states in relevant part:

***The location and amount of new development should maintain and enhance public access to the coast...***

#### **4.6.2 Market-Rate Housing**

The proposed development includes the creation of 225 market-rate single-family residences. This market-rate residential development would include 190 homes in the Northern Residential Neighborhood and 35 in the Southern Residential Area (**Exhibits 4 and 10**). The proposed increase in high-cost market-rate housing would contribute to the regional job/housing imbalance with significant cumulative impacts to public access due to its contribution to traffic congestion on the area’s highways. The applicants propose to offset this impact by permanently retiring the development rights on approximately 206 existing legal lots in the Redondo View Subdivision (**Exhibit 26**).

The proposed retirement of existing legal lots in the project area as mitigation for the proposed creation of new “market-rate” lots is generally consistent with the mitigation required by the Commission in its February 2001 action on the Pacific Ridge Subdivision in Half Moon Bay. However, in that case, the Commission required the applicant to retire the development rights on

## A-1-HMB-99-051

### Wavecrest Village Project

an equal number of existing legal lots as that proposed to be created through the subdivision. The effect of the required mitigation for the Pacific Ridge project was to prevent any net increase in legal lots in the Mid-Coast region. By retiring the exact number of lots the applicant proposed to create for market rate residences on a 1:1 basis, the applicant will eliminate the equivalent level of traffic impact created by the development. As discussed below, the Commission finds that to adequately mitigate the regional cumulative impacts to public access and recreation caused by the traffic generated by the proposed market-rate residential development, the applicants must permanently retire the development rights on an equivalent number of existing legal lots in the Mid-Coast region.

As proposed, the development would create 225 market-rate single-family residences, and retire development rights on approximately 206 existing legal lots in the Redondo View Subdivision, with a net increase of approximately 19 lots. Consequently, the project as proposed would not adequately offset its contribution to regional traffic congestion and would result in significant adverse cumulative impacts to public access and recreation. Therefore, **Special Condition 16** requires the applicants, prior to issuance of the coastal development permit, to either: (1) reduce the number of new lots for market-rate residential development to the number of existing lots on which development rights will be retired, or (2) retire the development rights for an additional number of existing legal lots in the Mid-Coast Region, equal to the number of new lots over the number of existing legal lots that are to be created for the construction of market rate single-family residences. Each mitigation lot must be an existing legal lot or combination of contiguous lots in common ownership and must be zoned to allow development of a detached single-family residence.

Retirement of development rights is not dependent on the existence of an established transfer of development rights (TDR) program, but can feasibly be undertaken by an individual developer in the absence of any such program. Even so, the City has included the development of a TDR program in its work program for the LCP update, and the Commission awarded assistance grant funding for this work program in December 2000. In its December 15, 2000 preliminary assessment to the City of the feasibility of establishing a TDR program, the City's consultant identified 663 parcels and 1,453 potential transfer or donor sites in four PUD districts in the City. These sites were identified as particularly desirable donor sites for a TDR program to achieve a number of planning goals.

Under the Malibu/Santa Monica Mountains TDC program, the development credit attributed to any donor lot is based on the lot's development potential under current zoning. In calculating development potential, the program considers several factors including lot size, availability of services, presence of environmentally sensitive habitat areas, and slope intensity. Substandard lots without road or water services do not qualify for a full credit. Thus, under the Malibu program, more than one substandard lot is required to offset the impacts of the creation of one new developable lot. The Commission has found this credit system is necessary to ensure that the retired lots fully offset the impacts of new subdivisions.

However, the retirement of development rights on existing legal lots on a 1:1 basis for the number of new lots created to support market rate residences at any location within the Mid-Coast region, including both infill lots and paper subdivisions, would be sufficient to mitigate the significant adverse cumulative impacts of the proposed subdivision. By retiring the exact number of lots, which the applicants propose to create on a 1:1 basis for market rate residences,

the applicant will eliminate the equivalent level of traffic impact created by the market rate residences. Since development anywhere within the San Mateo County Mid-Coast contributes to traffic congestion on Highways 1 and 92, retirement of lots anywhere in this region would mitigate the impacts of the proposed market-rate development. Thus, in addition to the donor sites identified in the City's preliminary assessment, the proportional retirement of any of the several thousand existing undeveloped lots within the Mid-Coast region would serve to mitigate the cumulative impacts of the proposed project. Many of these existing lots are in "paper subdivisions" the development of which would likely result in significant impacts to coastal resources, including wetlands and other environmentally sensitive habitat areas.

Imposing this lot retirement requirement as a condition of approval for the proposed subdivision is consistent not only with the Commission's recent action on the Pacific Ridge Development, but with past Commission actions dating back over 20 years. The Commission first imposed such a requirement in 1978 as a condition of a coastal development permit for a small lot subdivision in the Santa Monica Mountains to mitigate for significant adverse cumulative impacts on public access to and along the coast due to severe traffic congestion on Highway 1.

For all of these reasons, the Commission finds that the proportional retirement of legal lots that may support development of market-rate housing in the Mid-Coast region is essential to achieve consistency of the project with the Half Moon Bay LCP. The Commission finds that as conditioned to ensure no net increase in legal lots potentially available to support market-rate residential development in the Mid-Coast region, the proposed market-rate residential development is consistent with the public access and public recreation policies of the LCP and the Coastal Act.

#### **4.6.3 Affordable Housing**

In addition to the proposed subdivision and construction of 225 market-rate single-family residences, the applicants propose to construct 59 affordable housing units. Thus, the Commission must consider the regional cumulative traffic impacts of the proposed affordable housing development.

In the Mid-Coast area of the County, the job/housing imbalance is the reverse of the rest of the County. In other areas of the County, an abundance of high paying jobs and a shortage of housing leads to in-commuting. In contrast, the traffic congestion in the Mid-Coast region is the result of too few high paying jobs and too many expensive homes. The employers in the Mid-Coast are primarily hotels, restaurants, small retail shops and boutiques, and local police, fire, public school, and parks districts. The area also continues to support agriculture, generating a demand for farm labor. These jobs, typical of the Mid-Coast, generally support persons of low and moderate incomes. However, there is a severe shortage of housing in the region that is affordable to such persons. As a result, persons employed in the Mid-Coast must commute into the region from the north via Highway 1 and the east via Highway 92. Thus, although the most significant traffic congestion on these highways is caused by the commute out by Mid-Coast residents to higher paying jobs in Silicon Valley and San Francisco, the "reverse commute" into the Mid-Coast by persons employed in the area also contributes to the regional traffic congestion.

There is no evidence in the record to support the conclusion that the supply of lower paying jobs, particularly in the service sector, will diminish in the Mid-Coast. Thus, the rate of in-commuting

to the Mid-Coast for the lower paying jobs available in the region can only be reduced by increasing the supply of housing affordable to the people employed in the region. The proposed affordable housing development would increase housing opportunities for persons employed in the region, and therefore reduce the regional cumulative traffic impacts caused by in-commuting.

Although the proposed development would increase the opportunities for Coastsides workers to live near their jobs, the development does not guarantee that some residents of the affordable units will not commute to jobs outside of the region. As discussed above, any increase in out-commuting would contribute to the already severe traffic congestion on the area highways with significant cumulative impacts to coastal access and recreation. Nevertheless, the provision of affordable housing on the coast is consistent with the need to resolve the area's jobs/housing imbalance. The overall effect of correcting the jobs/housing imbalance would be a reduction in congestion on Highways 1 and 92. Thus, the Commission finds that the effect of the proposed affordable housing development to help correct the Mid-Coast jobs/housing imbalance is adequate to offset the potential impacts of any increase in out-commuting from these units.

However, the Commission can only support this determination if the units remain affordable in perpetuity. As discussed in Section 4.7 of this report, the housing policies contained in the City Zoning Code require the applicants to enter into an affordable housing agreement with the City and to record a deed restriction to ensure that the affordable housing units remain affordable as defined pursuant to Zoning Code Section 18.35.015 in perpetuity. **Special Condition 17** requires the applicants to comply with these requirements. This condition is intended to prevent the future increase in traffic impacts due to out-commuting associated with the conversion of the affordable units to market rate. Therefore, the Commission finds that, as conditioned, the proposed affordable housing development is consistent with the public access and public recreation policies of the LCP and the Coastal Act.

#### **4.7 Final Architectural Review and Site and Design Approval**

LUP Policy 9.3.2 states:

*The purpose of the Planned Development designation is to ensure well-planned development of large, undeveloped areas planned for residential use in accordance with concentration of development policies. It is the intent of this designation to allow for flexibility and innovative design of residential development, to preserve important resource values of particular sites, to ensure achievement of coastal access objectives, to eliminate poorly platted and unimproved subdivisions whose development would adversely affect coastal resources, and to encourage provision for low and moderate income housing needs when feasible. It is also the intent of the Planned Development designation to require clustering of structures to provide open space and recreation, both for residents and the public. . . .*

LUP Policy 9.3.2 states:

*Use of flexible design concepts, including clustering of units, mixtures of dwelling types, etc., shall be required to accomplish all of the following goals:*

- (a) Protection of scenic qualities of the site;*
- (b) Protection of coastal resources;*

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

- (c) *Avoidance of siting structures in hazardous areas; and*
- (d) *Provision of public open space, recreation and/or beach access.*

Zoning Code Section 18.21.020 provides:

*Prior to the issuance of any Building Permits for new construction, alterations, or additions to any residential, commercial, industrial, or institutional building, the Planning Director shall review the plans submitted for each proposed project to establish the appropriate level of review as set forth herein:*

*A. Residential Projects:*

- 1. Approval by the Architectural Review Committee is required: . . . b. For any new residential structure(s) and landscaping within a Planned Unit Development Project . . .*
- 2. Architectural Review Committee and Planning Commission approval of a Site and Design permit are required for the construction of any multiple family residential structure with more than two units on a single building site . . .*

*B. Commercial/Industrial/Institutional Projects: . . .*

- 2. Architectural Review Committee and Site and Design approvals are required: a. For the Construction of any new commercial, industrial, or institutional building or associated site improvements including landscaping and parking lot plans. . . .*

Zoning Code Section 18.21.030 provides:

*Standards for Review.* *In carrying out the purposes of this section, the Planning Director, Architectural Review Committee, and Planning Commission shall consider in each specific case any and all as may be appropriate:*

- A. The siting of any structure on the property as compared to the siting of other structures in the immediate neighborhood;*
- B. All structures shall be in good proportion; have simplicity of mass and detail; shall not strive for picturesque effect; there shall be an appropriate use of materials; colors shall be in good taste and never harsh or garish, but in harmony with themselves and their environment;*
- C. The size, location design, color, number, lighting and materials of all signs and outdoor advertising structures shall be reviewed. . . .*
- D. Landscaping shall be required on the site and shall be in keeping with the character and design of the building and existing trees shall be preserved wherever possible;*
- E. The size, location and arrangement of on-site parking and paved areas;*
- F. Ingress, egress and internal traffic circulation;*
- G. All the above factors shall be related to the setting or established character of the neighborhood or surrounding area.*

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

The applicants have submitted large-scale, conceptual plans for the proposed development in the Northeastern Area and the mixed use area of the project site. These plans schematically show the location of the proposed development, conceptual building siting in plan view for each project area, and the type and density of uses proposed for particular areas within the project. The submitted plans are sufficient to allow the Commission to evaluate the project's conformity with the policies of the LCP and the Coastal Act concerning the issues raised under these standards, including protection of wetlands, ESHA, water quality, coastal views, traffic, infrastructure, and the types, density and location of the proposed development on the project site. However, the applicants have not yet submitted the detailed site plans, including revised subdivision maps, architectural plans, landscaping plans, or engineering plans for the buildings, streets, detention basin and other improvements which are proposed as part of the project, necessary to meet the requirements of Zoning Code Section 18.21.020 and specifically confirm that development will be undertaken in a manner that protects coastal resources consistent with the provisions of the certified LCP.

The LCP and Zoning Code section 18.21.020 require that the applicants submit detailed plans for architectural and site and design review. Prior to receiving building permits, all final, detailed plans for site and building design for the project must be reviewed by the City's Architectural Review Committee, Planning Director, and Planning Commission as provided for in the ordinance using the standards set forth in Zoning Code section 18.21.030.

Because architectural review and site and design approval is a requirement of the LCP, the Commission imposes **Special Condition 23**, requiring applicants to demonstrate that they have met the requirements for site and design review in Zoning Code chapter 18.21 by submitting proof of site and design review to the Executive Director, together with copies of all final, detailed plans for the project. As conditioned, the Commission finds the proposed development conforms with the architectural, site and design requirements of the LCP.

#### **4.8 Other Local Approvals**

In addition to the conditions imposed in connection with this application for coastal development permit, the applicants must meet all other permitting requirements and obtain other necessary local approvals. These other local approvals include without limitation the following:

##### **4.8.1 Water Service Connection Allocations**

Prior to construction, applicants must obtain water service connection allocations for each of the newly subdivided parcels. The applicants will have to obtain sufficient water service allocations for all project components, including the 225 market rate residential units, 54 affordable housing units, the proposed office and retail space, the Middle School, the ballfields and the Boys and Girls Club. Water service allocations are provided through the Coastside County Water District, whose board of directors has authority to issue water service connections.

The Half Moon Bay LCP specifies that new development shall not be permitted in the absence of adequate infrastructure. LUP Policy 9-2 states in relevant part:

*No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities...*



## A-1-HMB-99-051

### Wavecrest Village Project

LUP Policy 9-4 states in relevant part:

*All new development . . . shall have available water and sewer services . . . Prior to the issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services and resources will be available to serve the proposed development upon its completion and that such developments located within and consistent with the policies applicable to such an area designated for development. . . .*

Thus the LCP explicitly requires that development must be served with adequate water “upon completion” of the development in order to obtain a coastal development permit.

At present, the applicants have obtained a commitment from the CCWD for 79 5/8 water service connections for the market rate residential portion of the project. For the balance of the 146 market rate units, the applicants propose to transfer water service connections from other property owned by applicants and by purchase agreement from other landowners of property within CCWD’s jurisdiction.

According to the CCWD, greater than 500 priority connections exist for priority uses in the coastal zone. Priority uses would include the proposed affordable housing units, the Middle School, the ballfields and the Boys and Girls Club. Priority uses might also be deemed by the City to include the office and retail space

Because the applicant has not demonstrated that the CCWD Board has allocated a sufficient number of water allocations to serve the development, the Commission impose **Special Condition 21**, which requires that the applicants demonstrate to the Executive Director’s satisfaction that they have obtained water service connections on a parcel-by-parcel basis prior to construction. The applicants will independently have to demonstrate the availability of adequate water service connections in order to obtain building permits for each of the individual buildings in the project.

#### 4.8.2 Building Permit Allocations

Measure A, the municipal growth control ordinance which is currently in effect as part of the certified LCP, imposes a 3 percent per year growth cap on development in Half Moon Bay. Building permits are allocated by the City under the provisions of Measure A. As part of the hearing of the Coastal Development Permit for this project, the Half Moon Bay City Council approved the applicants’ allocation phasing plan under Measure A, taking into consideration the public benefits that the development would bring to the City. The Development Agreement entered into between the City and Wavecrest Village, L.L.C., also reflects this phasing plan for building permit allocations on an annual basis.

Under the Measure A building permit allocation phasing plan which is part of the Development Agreement, the City and Wavecrest Village, L.L.C. agreed that building permit allocations would be allocated to this project each year according to the following schedule: 25 building permit allocations for market rate units beginning in 1999 through and including 2002; 15 market rate, 18 very low income, and 2 moderate income building permit allocations in 2003; 23 market rate and 12 moderate income building permit allocations in 2004 and 2005; and 19 market rate and 2 moderate income building permit allocations in 2006. Thus, the phasing plan in the Development Agreement provides for a total of 180 market rate, and 46 affordable unit building

## A-1-HMB-99-051

### Wavecrest Village Project

permit allocations. The balance of the necessary building permit allocations (for 45 market rate and 8 affordable units) is not provided for by the Development Agreement.

In November 1999, the City's voters passed Measure D, a 1 percent annual growth limit, to replace Measure A. However, because the Commission has not yet certified an amendment to the LCP implementing Measure D, consistency of the proposed development with the provisions of Measure D is not within the scope of the Commission's review of the coastal development permit amendment.

Independent of other Coastal Development Permit conditions and requirements, the applicants must obtain building permits for each of the buildings included as part of the development.

#### 4.9 Archaeological Resources

Section 6.1 of the LCP incorporates Section 30244 of the Coastal Act, which states:

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Policy 6-2 of the LCP states

*Prior to the issuance of a permit for any development within 100 feet of any recorded archaeological site . . . , the City will require the submission of a report by a qualified archaeologist regarding the resources which may be affected and mitigation measures necessary to protect the site or to undertake salvage of archaeological materials before development. Any permit shall be conditioned upon reasonable measures taken to mitigate the impact of development on archaeological resources. These may include (1) designating construction to avoid important resources, (2) covering the site with fill, and (3) site sampling and salvage.*

Neither the Coastal Act nor the LCP defines the term "archaeological resources." The discussion of planning issues related to archaeological resources in Section 6.2 of the LCP policies addresses prehistoric, Native American archaeological resources. The LCP does not expressly address other historical resources of relatively recent origin.

Two one-story, poured concrete structures presently exist immediately north of Wavecrest Road in an area proposed for the Middle School site.<sup>5</sup> The first structure is a squat, windowless box approximately 30 feet by 20 feet. The second structure, which lies approximately 60 feet west of the first, resembles the first structure and is approximately 50 feet by 30 feet. Both structures have poured concrete walls approximately 6 inches thick. In addition, four concrete piers, which apparently supported something, perhaps a generator or fuel tank, sit outside the first structure. **(Exhibit 27)** Local, anecdotal evidence suggests that these structures may have been constructed by the military during the Second World War for use as storage sheds, possibly for ammunition.

None of these structures is listed on the State Registry of Historic Buildings or is mapped as an archaeological site in the LCP. However, since the origin and possible historical significance of

---

<sup>5</sup> A third, similar structure exists south of Wavecrest Road in an area that the applicants do not propose to develop.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

these structures is unknown, the Commission finds that the applicants must take steps to determine the historical significance, if any, of these structures prior to their demolition. **Special Condition 24** requires the applicants, prior to issuance of the permit, to provide a copy of a letter of permission from the State Historic Preservation Officer allowing demolition of the structures or, in the alternative, evidence that no permit or permission is required. If the State Historic Preservation Officer determines that the structures are historically significant or is unable to grant any required permission to demolish the structures, **Special Condition 24** requires the applicants to protect the structures in place or submit a mitigation plan for the relocation or removal of the structures for Commission review and approval.

As conditioned, the Commission finds that the project conforms with Section 6.1 and Policy 6-2 of the LCP and Section 30244 of the Coastal Act.

#### **4.10 Alleged Violation**

Development consisting of the alteration of the site drainage has taken place without benefit of a coastal development permit. Although development has taken place prior to submission of this permit amendment application, consideration of the application by the Commission has been based solely upon the policies of the LCP and the public access and public recreation policies of Chapter 3 of the Coastal Act. Approval of the permit amendment does not constitute a waiver of any legal action with regard to the alleged violation, nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

#### **4.11 California Environmental Quality Act**

Section 13096 of the Commission's administrative regulations requires Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the access, visual, environmentally sensitive habitat area, water quality, wetlands, housing, and traffic policies of the certified LCP, and the access and recreation policies of the Coastal Act and to minimize all adverse environmental effects. The Commission incorporates its findings on LCP consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant environmental effects of the project that were received prior to preparation of the staff report. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the certified LCP and Coastal Act and to conform to CEQA.

## **A-1-HMB-99-051**

### **Wavecrest Village Project**

#### **EXHIBITS**

1. Regional map
2. Vicinity map
3. Project location map
4. October 2001 site plan
5. Geographical area names and location of red-tailed hawk nest
6. 4/6/01 Project description submitted by the applicant
7. 5/23/01 Project description submitted by the applicant,
8. 5/29/01 Project description clarification submitted by the applicant
9. 5/31/01 Project description modification submitted by the applicant
10. 10/9/01 Project description submitted by the applicant
11. General wetland area filled for restoration purposes
12. Drainage ditch route through project area
13. Conceptual Wetland Restoration Plan
14. Existing Vegetation Map
15. 12/00 Letter from Gary Deghi
16. 05/01 Letter from Gary Deghi
17. Wavecrest Restoration Plan
18. 5/29/01 Letter from Alvaro Jaramillo
19. 5/22/01 Letter from CCWD to Patrick Fitzgerald
20. Proposed detention basin in Western project area
21. Memorandum of Understanding Between the Commission and the City of Half Moon Bay
22. Proposed Public Lateral Access routes
23. APN Map of Existing Parcels
24. Half Moon Bay Land Use Plan Access Improvements Map
25. Potential vertical access from Redondo Beach Road
26. Redondo View Antiquated Subdivision
27. Existing structures on project site
28. 4/5/01 Water treatment report
29. 4/01 Wetland Restoration Plan Description
30. 6/10/98 North Wavecrest Village Wetland Delineation
31. 5/29/00 Wavecrest Village Vegetation Study
32. Former agricultural pond buffer area
33. Scenic corridor easement
34. Open space fee dedications
35. Public recreation fee dedications
36. San Mateo County Mid-Coast Region

#### **APPENDICES**

- A. Substantive File Documents
- B. LCP and Coastal Act Policies

#### **CORRESPONDENCE**

1. 5/21/01 letter from Larry Kay

**A-1-HMB-99-051**

Wavecrest Village Project

2. 5/31/01 letter from Michael Ferreira

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400

# W-21a

December 11, 2001

TO: Commissioners and Interested Parties

FROM: Steve Scholl, Deputy Director  
Chris Kern, North Central Coast District Supervisor  
Peter T. Imhof, Coastal Planner

SUBJECT: **Addendum to the Staff Report for Wavecrest Village Appeal, De Novo Review, A-1-HMB-99-051  
Item W-21a**

*Staff recommends the following changes to the staff report.*

***Page 10, Special Condition 1, Subsection A, insert the text indicated by double underline:***

- A. No development, as defined in both the Coastal Act and the Half Moon Bay Land Use Plan, including subdivision, shall occur in or within 100 feet of any existing wetlands (as defined by the City of Half Moon Bay certified LCP) on or adjacent to the project site except for: (1) the subdivision of the underlying property approved pursuant to A-1-HMB-99-051 and (2) development necessary for wetland or habitat protection, if approved by the Commission as an amendment to this CDP.

***Page 12, Special Condition 1, Subsection I, insert the text indicated by double underline:***

- I. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction over the entire site in a form and content acceptable to the Executive Director, reflecting all of the above restrictions, including but not limited to the prohibition on development in or within 100 feet of the former agricultural pond as generally depicted in **Exhibit 32**. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the restricted areas. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

***Page 14, Special Condition 2, Subsections B and C, insert the text indicated by double underline and delete the text indicated by ~~strikethrough~~:***

the project area south of Wavecrest Road, and specifically depicted in the final approved wetland restoration plan except for: (1) the restoration activities and subdivision of the underlying property approved pursuant to A-1-99-051; and (2) development allowed

within wetland buffers pursuant to Zoning Code Section 18.38.080. if approved by the Commission as an amendment to this CDP

- C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction over the entire site, in a form and content acceptable to the Executive Director, ~~as generally depicted in the September 2001 conceptual plan and specifically depicted in the Final Revised Wetland Restoration Plan, and within 100 feet of these wetlands,~~ reflecting all of the above specified restrictions on development. The deed restriction shall include legal descriptions of both the applicants' entire parcel(s) and the restricted areas. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

*Page 29, Special Condition 19, insert the text indicated by double underline:*

**19. Revised Subdivision Map**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a revised subdivision tract map approved by the City of Half Moon Bay for the entire project site that is consistent with the site plan generally depicted as **Exhibit 4** and that includes but is not limited to all lot lines, streets, and public and private easements, and that conforms with and reflects all conditions of approval of A-1-HMB-99-051. Such revised tract map shall reflect that no physical structures may be constructed south of Wavecrest Road. Such revised vesting tentative tract map shall also reflect no more lots than the total of: (1) the number of legal lots the applicants have demonstrated they own pursuant to Subsection A of **Special Condition 16** above, plus (2) the number of legal lots over which the applicants demonstrate that development rights have been permanently extinguished pursuant to Subsections B through E of **Special Condition 16**, plus (3) the number of lots utilized for affordable housing consistent with **Special Condition 17**. The Tract Map shall be recorded consistent with the Tract Map approved by the Executive Director.

*Page 30, Paragraph 3, Add Special Condition 25 as follows:*

**25. Mixed Use Area**

No development, as defined in Section 30106 of the Coastal Act and the City of Half Moon Bay certified LCP, is authorized by this coastal development permit within Mixed Use Parcel H, as generally depicted on **Exhibit 37**, other than the creation of Mixed Use Parcel H. Prior to any other development within Mixed Use Parcel H, the applicants shall obtain Commission approval of an amendment to this Coastal Development Permit or an additional coastal development permit from the City of Half Moon Bay. Any application for a permit

**A-1-HMB-99-051 (Wavecrest)**  
**Addendum to November 29, 2001, Appeal Staff Report**

amendment or new permit for development proposed within Mixed Use Parcel H shall contain at a minimum all of the following items:

- A.** A detailed project description of the development proposed for Mixed Use Parcel H consistent with the types and intensities of uses proposed in the October 9, 2001 revised project description.
- B.** A detailed investigation and final delineation of any areas in the Mixed Use Area of the project site which qualify as “wetlands” under the applicable definition contained in the certified Local Coastal Program for the City of Half Moon Bay. The wetland delineation shall include, but not be limited to, all of the following:
  - 1. A map of all areas where the preponderance of dominant plants consists of species believed to occur in wetlands more than 50% of the time in the Mid-Coast Region.
  - 2. A map of all areas where *Mentha avensis* is a dominant species.
  - 3. Assessment of the duration of soil saturation in all areas mapped pursuant to items 1 and 2, above, and at other representative locations within the areas designated 18 and 19 in the May 29, 2000 Wavecrest Village Vegetation Study (**Exhibit 31**, Figure 3) by examining 12-inch surface cores on a weekly basis following weekly rainfall events until conditions of non-saturation are observed.
- C.** A detailed site plan showing the location of development proposed for the Mixed Use Area of the project site (i.e., Parcel H as generally depicted on **Exhibit 37**), consistent with the requirements of **Special Condition 1**, which restricts development within 100 feet of any wetland on or adjacent to the project site, as a well as all other applicable **Special Conditions**.
- D.** Demonstration that the applicants possess sufficient legal interest in the affected property to carry out the development proposed in the application.

*Page 39, insert a new section under 4.1.3 as follows:*

#### **4.1.3 Discussion**

##### ***Existing Wetlands***

The administrative record for the City’s action on the proposed development includes the following studies concerning the presence of wetlands on the project site:

- *Preliminary Wetland Delineation for the North Wavecrest Project, Half Moon Bay, San Mateo County, California*, Huffman and Associates, Inc., August 4 1994.
- *North Wavecrest Jurisdictional Wetland Analysis*, Wetland Research and Associates, June 10, 1998.



**A-1-HMB-99-051 (Wavecrest)**  
**Addendum to November 29, 2001, Appeal Staff Report**

- *North Wavecrest Village Wetland Delineation Study*, Wetland Research and Associates, Inc., June 10, 1998.
- *Hydrologic Conditions—North Wavecrest*, Wetlands Research Associates, Inc., November 2, 1998.

The Wetland Research Associates 1998 Wetland Delineation Study is attached to the staff report as **Exhibit 30**, and the corresponding delineation map is attached to the addendum as **Exhibit 43**.

In response to concerns expressed by Commission staff about the adequacy of these studies in identifying all of the wetlands on the project site as defined by the Half Moon Bay LCP, the applicants mapped the vegetative communities for all areas of the project site *except* the Central Area. This vegetation study, conducted in May 2000, is attached as **Exhibit 31**. Following submittal of the vegetation study, the applicants provided an analysis of the vegetation study ranking the mapped vegetative communities according to whether they are more or less likely to be associated with wetlands (**Exhibit 41**). Huffman and Associates provided a peer review on behalf of the City of the applicants' May 2000 vegetation study and subsequent analysis (**Exhibit 42**). In October 2001, the applicants submitted a Conceptual Wetland Restoration Plan for the Central Project Area (**Exhibit 13**). This restoration plan includes a vegetation study of the Central Area conducted by Wetlands Research Associates in June 2001. The vegetation study identifies a total of 24 vegetative communities within Central Project Area including 11 communities with a preponderance of species that are normally found to grow in water or wet ground (facultative wetland and obligate).

Based on the materials described above, the project site contains wetlands as defined by the Half Moon Bay LCP in the Southern (or Pasture) Area, the Central Area, the Middle School site (drainage ditch), the Ball Fields Area, the Northern Residential Neighborhood (former agricultural pond), and the Western Area. In accordance with the project description as revised, no development is proposed within 100 feet of the wetlands located within (1) the Southern Area, (2) the Ball Fields Area, (3) the former agricultural pond in the Northern Residential Neighborhood, or (4) the Western Area. Consistent with the project description, Special Condition 1 prohibits development from occurring within or within 100 feet of any existing wetland on or adjacent to the project site except for the approved subdivision of the underlying property and development that is approved for wetland habitat protection purposes.

As further discussed below, the applicants propose to restore and expand the extent of the wetlands in the Central Area as described in the applicants' Conceptual Wetland Restoration Plan (**Exhibit 13**). Pursuant to Special Condition 2, no development other than the approved restoration project may occur within 100 feet of any existing, created, or restored wetlands in the Central Area. The applicants propose to re-route the drainage ditch that crosses the Middle School site to provide the water source for the wetland restoration project. Once the ditch is re-routed for the restoration project, the wetlands within the Middle School site associated with the ditch will cease to exist. Thus, the subsequent development of the Middle School will not affect wetlands as defined by the Half Moon Bay LCP.

**A-1-HMB-99-051 (Wavecrest)**  
**Addendum to November 29, 2001, Appeal Staff Report**

As noted in the Staff Note on page 3, above, shortly prior to publication of this staff report, the staff received information from City Council Member Michael Ferreira in the form of several photographs, indicating the possible existence of additional wetlands in the Mixed Use Area of the project site (**Exhibit 38**). The photographs show dense stands of dark-colored vegetation in the northeast corner of the Mixed Use Area.<sup>1</sup> The vegetation was identified by Commission staff Environmental Specialist Caitlin Bean in the field on November 20, 2001 as a curly dock, *Rumex crispus*, a species listed by the Army Corps of Engineers as a facultative wetland (FACW) species (likely to occur in wetlands 67 to 99% of the time).

To investigate the possible presence of additional potential wetlands, on December 4, 2001, Commission staff biologist John Dixon and Environmental Specialist Caitlin Bean visited the site together with Michael Josselyn and Philip Greer of Wetland Research Associates, and Patrick Fitzgerald, representing the applicants, and Terry Huffman, representing the City. John Dixon's and Caitlin Bean's memorandum dated December 6, 2001 (**Exhibit 39**) summarizes their field observations. Caitlin Bean also returned to the site on December 6, 2001 for follow up investigation of the southern half of the area designated 19 in the May 29, 2000 Vegetation Study (**Exhibit 31**, Figure 3 and **Exhibit 41**, Appendix A).

With respect to Area 19 (**Exhibit 31**, Figure 3 and **Exhibit 41**, Appendix A), the field investigation found that, although the vegetative mix is different in this area than when mapped in July 2000, the vegetation does not have a substantially different wetland character, i.e., species that normally grow in water or wet ground do not appear to make up more than 50 % of the dominant species present.

With respect to Area 18, the field investigation identified the presence of certain large areas of qualitatively different vegetation within this area that had been mapped as homogeneous in the May 2000 Vegetation Study (**Exhibit 31**, Figure 3 and **Exhibit 41**, Appendix A). The field investigation found, in particular, several areas dominated by a variety of mint, *Mentha avensis*, a FACW species, which is also the dominant species in some of the delineated wetlands on the project site. Based on the field investigation, the Commission's Staff Biologist concluded that, in the northern half of Area 18, FACW and obligate (OBL) species did not appear to make up more than 50 % of the dominant species present in any of the areas examined. However, in the southern half of Area 18, the field work identified an east-west swale observed to contain large patches of vegetation dominated by *Mentha avensis* and *Juncus phaeocephalus* (FACW). Because this area is dominated by two FACW species, it supports plants that are normally found to grow in water or wet ground. Therefore, this area appears to meet the wetland definition of the LCP.

The field investigations note that the areas containing *Mentha avensis* tended to be ponded and that the upper 5 inches were generally saturated, whereas the deeper soils were drier. Because the field investigations observed high clay content soils, which probably tend to confine water near the surface, the investigations concluded that the depressional areas and the swale along the northern portion of Vegetation Area 18 probably remain saturated for long durations of 7 to

---

<sup>1</sup> The area where these photos were taken corresponds to the area designated 19 in the May 29, 2000 Vegetation Study (**Exhibit 31**, Figure 3 and **Exhibit 41**, Appendix A).

**A-1-HMB-99-051 (Wavecrest)**  
**Addendum to November 29, 2001, Appeal Staff Report**

30 days during most rainy seasons. Such long duration ponding or saturation is an accepted field indicator of both wetland hydrology and hydric soils. Thus the depressional areas and the swale may be wetlands as defined by the LCP.

The Dixon-Bean December 6, 2001 Memorandum concludes with the recommendation that a wetland delineation of Area 18 be conducted which includes (1) mapping of all discrete areas where *Mentha avensis* is a dominant species and (2) documentation of the duration of periods of soil saturation by weekly coring samples.

The certified LCP defines wetlands as areas where the water table is at, near, or above the surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Under these LCP standards, wetlands exist where the presence of either wetland vegetation or hydric soils indicates wetland hydrology, or where there is direct evidence of wetland hydrology in the form of ponding and soil saturation for long periods. The observations of the December 4 and December 6 field investigations raise questions about whether portions of Vegetation Area 18 in the Mixed Use Area constitute wetlands under the LCP.

As a result of the questions raised by the field investigations as to the possible existence and location of potential wetlands in the Mixed Use Area of the project site, the Commission imposes **Special Condition 25**, prohibiting any development, other than the creation of the Mixed Use Parcel, within the Mixed Use Parcel until a wetland delineation is completed and requiring that the applicants submit an application for a permit amendment or a new coastal development permit application for development proposed within the Mixed Use Parcel. **Special Condition 25** requires the permit amendment or new permit application to contain (1) a detailed project description of development proposed for the mixed use area consistent with the types and intensities of uses proposed in the applicants' October 9, 2001 revised project description, (2) a detailed investigation and final delineation of any areas which may qualify as "wetlands" under the applicable LCP definition, (3) a detailed site plan showing the location of all development proposed for this area, which provides for a minimum 100-foot buffer around any wetland on or adjacent to the project site, and (4) evidence of the applicants' legal ability to undertake the proposed development on the Mixed Use Parcel. The project description and site plan must be in accord with the requirements of all other **Special Conditions**, including in particular the wetland buffer requirements of **Special Condition 1**.

**Page 84, Exhibits:**

- 37. Map of Mixed Use Area
- 38. Photographs of vegetation in Mixed Use Area submitted by Councilmember Michael Ferreira on November 19, 2001.
- 39. December 6, 2001 Memorandum from John Dixon and Caitlin Bean to Peter Imhof and Chris Kern
- 40. Photographs of Vegetation in Mixed Use Area taken by John Dixon On December 4, 2001
- 41. July 2000 Analysis of May 2000 Vegetation Study

**A-1-HMB-99-051 (Wavecrest)**  
**Addendum to November 29, 2001, Appeal Staff Report**

- 42. Huffman and Associates Peer Review of May 2000 Vegetation Study
- 43. WRA 1998 Wetland Delineation Map